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STATUTES

OF THE

PROVINCE OF ONTARIO

PASSED IN THE SESSION HELD IN THE

Fourth Year of the Reign of Her Majesty QUEEN ELIZABETH II

Being the Fifth Session of the Twenty-Fourth
Legislature of Ontario

BEGUN AND HOLDEN AT TORONTO ON THE EIGHTH DAY OF
FEBRUARY IN THE YEAR OF OUR LORD ONE THOUSAND
NINE HUNDRED AND FIFTY-FIVE



ONTARIO

HIS HONOUR LOUIS ORVILLE BREITHAUPT
LIEUTENANT-GOVERNOR

TORONTO

Printed and Published by Baptist Johnston, Printer to the Queen's Most Excellent Majesty
1955

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PART I
PUBLIC ACTS
Chapters 1 to 93



ONTARIO

4 ELIZABETH II

CHAPTER 1

An Act to repeal The Active Service Election Act, 1951

*Assented to March 31st, 1955
Session Prorogued March 31st, 1955*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** *The Active Service Election Act, 1951* is repealed. 1951, c. 1,
repealed
- 2.** This Act comes into force on the day it receives Royal Assent. Commence-
ment
- 3.** This Act may be cited as *The Active Service Election Repeal Act, 1955*. Short title

CHAPTER 2

**An Act to amend
The Administration of Justice Expenses Act**

*Assented to March 31st, 1955
Session Prorogued March 31st, 1955*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 4 of section 23 of *The Administration of Justice Expenses Act* is amended by striking out the word "five" in the third line and inserting in lieu thereof the figures "10", so that the subsection shall read as follows:

Rev. Stat.
c. 5, s. 23,
subs. 4,
amended

- (4) The county and city councils may pay each member of the board such sum as they may respectively by by-law determine for his attendance at the audit and 10 cents for each mile necessarily travelled in going to and returning therefrom.

Remunera-
tion of
members of
board of
audit

2. This Act may be cited as *The Administration of Justice Expenses Amendment Act, 1955*.

Short title

CHAPTER 3

**An Act to amend
The Alcoholism Research Foundation Act, 1949**

*Assented to March 31st, 1955
Session Prorogued March 31st, 1955*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of section 7 of *The Alcoholism Research Foundation Act, 1949*, as re-enacted by section 1 of *The Alcoholism Research Foundation Amendment Act, 1951*, is amended by ^{c. 4, s. 7 (1951, c. 3, s. 1),} striking out the word "and" at the end of subclause ii, by ^{amended} adding the word "and" at the end of subclause iii and by adding thereto the following subclause:

(iv) dissemination of information respecting the recognition, prevention and treatment of alcoholism.

2. This Act may be cited as *The Alcoholism Research Foundation Amendment Act, 1955*. ^{Short title}

CHAPTER 4

An Act to amend The Assessment Act

Assented to March 31st, 1955
Session Prorogued March 31st, 1955

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 8 of section 4 of *The Assessment Act* is amended by adding at the end thereof the words “but not when occupied by a tenant or lessee other than a public commission”, so that the paragraph shall read as follows: Rev. Stat.,
c. 24, s. 4,
par. 8,
amended

8. Every highway, lane or other public communication and every public square; but not when occupied by a tenant or lessee other than a public commission. Highways,
etc.

(2) Paragraph 9 of the said section 4, as amended by subsection 1 of section 1 of *The Assessment Amendment Act, 1952* and subsection 1 of section 2 of *The Assessment Amendment Act, 1954*, is further amended by adding at the commencement thereof the words “Subject to section 39”, so that the paragraph shall read as follows: Rev. Stat.,
c. 24, s. 4,
par. 9,
amended

9. Subject to section 39, the property belonging to any county or municipality or vested in or controlled by any public commission wherever situate and whether occupied for the purposes thereof or unoccupied; but not when occupied by a tenant or lessee, nor when used for parking vehicles where a fee is charged for such parking. Municipal
property

(3) Paragraph 14 of the said section 4 is amended by adding thereto the following clause: Rev. Stat.,
c. 24, s. 4,
par. 14,
amended

(a) For the purposes of this paragraph, an agricultural society under *The Agricultural Societies Act* shall be deemed to be in actual occupation where the property of the society is rented and the rent is applied solely for the purposes of the society. Rev. Stat.,
c. 13

Rev. Stat.,
c. 24, s. 4,
par. 17,
re-enacted

(4) Paragraph 17 of the said section 4 is repealed and the following substituted therefor:

Machinery

17. All machinery and equipment used for manufacturing or farming purposes, including the foundations on which the same rest, but not including machinery and equipment to the extent that it is used, intended or required for lighting, heating or other building purposes or for producing power for sale, or machinery owned, operated or used by a transportation system or by a person having the right, authority or permission to construct, maintain or operate within Ontario in, under, above, on or through any highway, lane or other public communication, public place or public water, any structure or other thing, for the purposes of a bridge or transportation system, or for the purpose of conducting steam, heat, water, gas, oil, electricity or any property, substance or product capable of transportation, transmission or conveyance for the supply of water, light, heat, power or other service.

Rev. Stat.,
c. 24,
amended

2. *The Assessment Act* is amended by adding thereto the following section:

Exemption
of Navy
League

4c. The council of any local municipality may pass by-laws exempting from taxes, other than school taxes and local improvement rates, the land belonging to and vested in the Navy League of Canada under such conditions as may be set out in the by-law, so long as the land is occupied and used solely for the purposes of carrying out the activities of the Ontario division of the Navy League.

Rev. Stat.,
c. 24, s. 6,
amended

3. Section 6 of *The Assessment Act* is amended by adding thereto the following subsection:

Exception

(1a) Where any person who is the owner or tenant of land sets aside an area of land for the exclusive use of his employees for parking their motor vehicles while at work and no charge is made for such parking privileges, such person shall not be liable for business assessment on land actually used for such purpose.

Rev. Stat.,
c. 24, s. 7,
subss. 3-5,
re-enacted

4.—(1) Subsections 3, 4 and 5 of section 7 of *The Assessment Act* are repealed and the following substituted therefor:

Assessment
of telephone
companies
on mileage in
townships

(3) Subject to subsection 4, every telephone company shall be assessed in every township for one circuit used for carrying messages and placed or strung on poles or other structures or in conduits, including

such

such poles, structures and conduits, and in use by the company on the 31st day of December next preceding the assessment, at the rate of \$135 per mile and for each additional circuit placed or strung on such poles or other structures or in such conduits, whether or not in use by the company on the 31st day of December next preceding the assessment, at the rate of \$7.50 per mile.

- (4) Where a telephone company does not operate Assessment of local telephone companies generally throughout Ontario and is not authorized by statute to carry on business throughout Ontario, it shall be assessed in every township for one circuit used for carrying messages and placed or strung on poles or other structures or in conduits, including such poles, structures and conduits, and in use by the company on the 31st day of December next preceding the assessment, at the rate of \$50 per mile and for each additional circuit placed or strung on such poles or other structures or in such conduits, whether or not in use by the company on the 31st day of December next preceding the assessment, at the rate of \$7.50 per mile.
- (5) In computing the length of telephone circuits placed Computation of length of circuits or strung on poles or other structures or in conduits in townships,
- (a) the portion of a circuit within a police village shall not be included;
 - (b) a circuit that does not exceed twenty-five miles in length which is not used as a connecting circuit between two or more central exchange switchboards shall not be included;
 - (c) every circuit regardless of its length that connects two or more central exchange switchboards shall be included.

(2) Subsection 12 of the said section 7 is repealed and the following substituted therefor: Rev. Stat., c. 24, s. 7, subs. 12, re-enacted

- (12) In the measurement of such additional wires or Measurement of additional wires circuits, the length of every telegraph wire and every telephone circuit placed or strung in cables or other combinations, and used or capable of being used as an independent means of conveying messages, shall be computed.

5. Subsection 1 of section 8 of *The Assessment Act*, as Rev. Stat., c. 24, s. 8, subs. 1, re-enacted amended by section 4 of *The Assessment Amendment Act, 1952*, is repealed and the following substituted therefor:

Returns by
telegraph
and
telephone
companies

- (1) Every telegraph and telephone company doing business in Ontario shall on or before the 1st day of March in each year transmit to the assessment commissioner, or if there is no assessment commissioner, to the clerk of every city, town and village and to the clerk of the township in the case of a police village in which the company does business, a statement in writing of the amount of the gross receipts of the company in such city, town, village or police village for the year ending on the 31st day of December next preceding the assessment.

Idem

- (1a) Every telegraph and telephone company doing business in Ontario shall on or before the 1st day of March in each year transmit to the assessment commissioner, or if there is no assessment commissioner, to the clerk of every township in which the company does business, a statement in writing (Form 9) showing,
 - (a) the length in miles of one wire or of one circuit, as the case may be, placed or strung on poles or other structures or in conduits (including half on the boundaries of adjoining townships) in use by the company in such township on the 31st day of December next preceding the assessment, and the length in miles of additional wires or circuits, as the case may be, placed or strung on such poles or other structures or in such conduits (including half on the boundaries of adjoining townships) whether or not in use by the company in such township on the 31st day of December next preceding the assessment; and
 - (b) the length in miles of one exempt wire or of one exempt circuit, as the case may be, placed or strung on poles or other structures or in conduits (including half on the boundaries of adjoining townships) in use by the company in such township on the 31st day of December next preceding the assessment, and the length in miles of additional exempt wires or circuits, as the case may be, placed or strung on such poles or other structures or in such conduits (including half on the boundaries of adjoining townships) whether or not in use by the company in such township on the 31st day of December next preceding the assessment.

6.—(1) Subsection 3 of section 9 of *The Assessment Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 24, s. 9,
subs. 3,
re-enacted

- (3) Where a by-law is passed under subsection 1, every telephone and telegraph company required under section 8 to transmit a statement to the municipality shall keep records of the gross receipts earned by the company on and after the 1st day of January in the year following that in which the by-law was approved by the Department, and the statement required to be transmitted to the municipality by the 1st day of March in the second year following that in which the by-law was approved shall be based on the gross receipts earned by the company in the year following that in which the by-law was approved.

First state-
ment of
company
based
on gross
receipts

(2) Subsection 5 of the said section 9, as amended by subsection 2 of section 5 of *The Assessment Amendment Act, 1952*, is repealed.

Rev. Stat.,
c. 24, s. 9,
subs. 5,
repealed

7. Subsection 4 of section 16 of *The Assessment Act* is amended by striking out the words "In cities and towns" at the commencement thereof, so that the subsection shall read as follows:

Rev. Stat.,
c. 24, s. 16,
subs. 4,
amended

- (4) The assessor may vary the form of the assessment roll so as to show in columns 1, 2, 3, 5 and 6 the name and other particulars relating to tenants (or if there is no tenant by entering in column 2 the words "vacant lot") and in an additional set of columns numbered 1a, 2a, 3a, 4a and 5a similar particulars relating to the owner or tenant if the tenant is a lessee holding under a lease extending over twenty-one or more years, and by inserting in column 4a the letter "O" or "L", as the case may require, opposite the name of the owner or lessee.

Special
columns

8.—(1) Subsection 2 of section 33 of *The Assessment Act* is amended by adding at the commencement thereof the words "Subject to subsection 2a" and by striking out the word "normal" where it occurs the first and second times in the third line, so that the subsection shall read as follows:

Rev. Stat.,
c. 24, s. 33,
subs. 2,
amended

- (2) Subject to subsection 2a, in ascertaining the actual value of land without buildings thereon consideration shall be given to the present use, location, rental value, sale value and any other circumstance affecting the value.

Land with-
out buildings

(2) The said section 33 is amended by adding thereto the following subsection:

Rev. Stat.,
c. 24, s. 33,
amended

(2a)

Farm
lands

- (2a) For the purposes of subsection 2, in ascertaining the sale value of farm lands used only for farm purposes by the owner thereof whose principal occupation is farming, consideration shall be given to the sale value of such lands for farming purposes only and no consideration shall be given to the sale value of lands in the vicinity to which this subsection does not apply.

Rev. Stat.,
c. 24, s. 33,
subs. 3,
amended

- (3) Subsection 3 of the said section 33 is amended by striking out the word "normal" where it occurs in the third and fourth lines respectively, so that the subsection shall read as follows:

Land with
buildings

- (3) In assessing land having buildings thereon the value of the land and buildings shall be ascertained by giving consideration to present use, location, cost of replacement, rental value, sale value, and any other circumstance affecting the value, and the value of the buildings shall be the amount by which the value of the land is thereby increased, and the actual value of the land and the buildings so ascertained shall be set down separately in the columns of the assessment roll, and the assessment shall be the sum of such values.

Rev. Stat.,
c. 24, s. 34,
repealed

- 9.**—(1) Section 34 of *The Assessment Act* is repealed.

By-laws
passed under
section 34,
continued

- (2) Notwithstanding subsection 1, any by-law passed under section 34 of *The Assessment Act* that is in force on the day this section comes into force shall remain in force until repealed.

Rev. Stat.,
c. 24,
amended

- 10.** *The Assessment Act* is amended by adding thereto the following section:

Agreement
for fixed
assessment
for golf
course

- 36a.**—(1) Any local municipality may enter into an agreement with the owner of a golf course for providing a fixed assessment for the land occupied as a golf course to apply to taxation for general, school and special purposes but not to apply to taxation for local improvements.

Duties of
municipal
officials:

- (2) Where a golf course has a fixed assessment under an agreement under subsection 1,

assessment

- (a) the golf course shall be assessed each year as if it did not have a fixed assessment;

taxes

- (b) the treasurer shall calculate each year what the taxes would have been on the golf course if it did not have a fixed assessment;

(c)

- (c) the treasurer shall keep a record of the difference between the taxes paid each year and the taxes that would have been paid if the golf course did not have a fixed assessment and shall debit the golf course with this amount each year during the term of the agreement and shall add to such debit on the 1st day of January in each year 4 per cent interest on the aggregate amount of the debit on such date; and ^{record}
- (d) the taxes paid on the fixed assessment shall be distributed among the bodies for which the municipality is required to levy in the proportion that the levy for each body bears to the total levy. ^{distribution of taxes}
- (3) Every agreement shall be registered in the registry office or land titles office, as the case may be, in the county in which the golf course or any part thereof is located. ^{Agreement to be registered}
- (4) Any agreement may be terminated on the 31st day of December in any year upon the owner of the golf course giving six months notice of such termination in writing to the municipality and the owner shall, ^{Termination of agreement}
 - (a) pay to the municipality the amount debited against the golf course including the amounts of interest debited in accordance with clause c of subsection 2; or
 - (b) require the municipality to purchase the golf course for an amount equal to the fixed assessment.
- (5) Where a golf course has a fixed assessment under an agreement under subsection 1, the agreement shall terminate when the land in respect of which the fixed assessment is given or any portion thereof ceases to be occupied for the purposes of a golf course and the owner shall comply with clause a or b of subsection 4. ^{Agreement terminated when land ceases to be used as golf course}
- (6) Any dispute between the municipality and the owner of the golf course in relation to an agreement or this section shall be settled by the Ontario Municipal Board and the decision of the Board shall be final. ^{Dispute}

11.—(1) Subsection 3 of section 39 of *The Assessment Act*, as re-enacted by section 10 of *The Assessment Amend-* ^{Rev. Stat., c. 24, s. 39 (1952, c. 3, s. 10), subs. 3, amended}

ment Act, 1952, is amended by striking out the words "and used for the purposes of the public utility it operates" in the third and fourth lines, so that the subsection shall read as follows:

Annual
payments to
municipal-
ities

- (3) Every commission shall pay in each year, to any municipality in which are situated lands or buildings owned by and vested in the commission, the total amount that all rates, except, subject to subsections 4 and 5, rates on business assessment, levied in that municipality for taxation purposes based on the assessed value of the land at the actual value thereof according to the average value of land in the locality and the assessed value of such buildings, would produce.

Rev. Stat.,
c. 24, s. 39
(1952, c. 3,
s. 10),
subs. 7,
amended

- (2) Subsection 7 of the said section 39 is amended by adding at the end thereof the words "and for accounting purposes shall be deemed to be taxes", so that the subsection shall read as follows:

Credit to
municipal
general
fund

- (7) The payments received under subsections 3, 4 and 5 shall be credited by the municipality to the general fund of the municipality and for accounting purposes shall be deemed to be taxes.

Rev. Stat.,
c. 24, s. 39
(1952, c. 3,
s. 10),
amended

- (3) The said section 39 is amended by adding thereto the following subsection:

Valuation
to be
included in
equalizing
assessment

- (8a) The valuation of properties assessed under this section shall be included when equalizing assessment or apportioning levies for any purpose.

Rev. Stat.,
c. 24, s. 51
(1951, c. 4,
s. 3),
subs. 3,
amended

- 12.**—(1) Subsection 3 of section 51 of *The Assessment Act*, as re-enacted by section 3 of *The Assessment Amendment Act, 1951*, is amended by striking out the word "clerk" in the second line and inserting in lieu thereof the word "assessor", so that the subsection shall read as follows:

Notice and
appeals

- (3) Where an entry is made or is to be made in the collector's roll under this section, the assessor shall deliver to or send by registered letter post to the person to be taxed a notice setting out the amount of the assessment, and the same rights in respect of appeal shall lie as if the assessment had been made in the usual way.

Rev. Stat.,
c. 24, s. 51
(1951, c. 4,
s. 3),
subs. 4,
cls. a, b,
re-enacted

- (2) Clauses *a* and *b* of subsection 4 of the said section 51 are repealed and the following substituted therefor:

(a)

- (a) the amount thereof which, if the taxes had been levied in the usual way, would have been paid to any body for which the council is required by law to levy rates or raise money, shall be set up in the accounts of the municipality as a credit accruing to that body in the same proportion as the levy for that body bears to the total levy;
- (b) the amount credited to a body under clause *a* shall be paid over to such body not later than the 31st day of December in the year in which it was levied and used by such body to reduce the levy for the purposes of such body in the next succeeding year.

(3) Clause *d* of subsection 4 of the said section 51 is repealed.

Rev. Stat.,
c. 24, s. 51
(1951,
c. 4, s. 3),
subs. 4, cl. *d*,
repealed

13.—(1) Subsection 2 of section 51*a* of *The Assessment Act*, as enacted by section 3 of *The Assessment Amendment Act, 1951*, is amended by striking out the word “clerk” in the second line and inserting in lieu thereof the word “assessor”, so that the subsection shall read as follows:

Rev. Stat.,
c. 24, s. 51*a*
(1951, c. 4,
s. 3),
subs. 2,
amended

- (2) Where an addition is made to the assessment roll under this section, the assessor shall forthwith deliver to or send by registered letter post to the person assessed a notice setting out the amount of the assessment, and the same rights in respect of appeal shall lie as if the assessment had been made in the usual way.

Notice and
appeals

(2) Clause *a* of subsection 3 of the said section 51*a* is repealed and the following substituted therefor:

Rev. Stat.,
c. 24, s. 51*a*
(1951, c. 4,
s. 3),
subs. 3, cl. *a*,
re-enacted

- (a) for the purpose of apportioning a tax levy or fixing and levying the rate of taxation in any year, be deemed to include the assessments added under this section; and

.

14. Subsection 4 of section 52 of *The Assessment Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 24, s. 52,
subs. 4,
re-enacted

- (4) In this section, “voter” means voter as defined in *The Voters’ Lists Act, 1951*.

Interpreta-
tion
1951, c. 93

15. Subsection 6 of section 53 of *The Assessment Act*, as amended by subsection 1 of section 4 of *The Assessment Amendment Act, 1951*, is further amended by inserting after the word “Department” in the sixth line the words “before the 1st day of October”, so that the subsection shall read as follows:

Rev. Stat.,
c. 24, s. 53,
subs. 6,
amended

Special
extension
of time for
return of
assessment
roll

- (6) Where in any year it appears to the council of a municipality that the assessment roll or the assessment roll of any ward, division of a ward or group of polling subdivisions will not be returned to the clerk by the 1st day of October, the council may, by by-law approved by the Department before the 1st day of October, extend the time for return of that assessment roll for such period, not exceeding sixty days, subsequent to the 1st day of October as appears necessary; provided that when such a by-law is passed, the time for closing the court of revision for that year shall be extended for a period corresponding to that for which the time for return of the assessment roll has been extended.

Rev. Stat.,
c. 24, s. 64,
amended

16. Section 64 of *The Assessment Act* is amended by inserting after the word "municipality" in the first line the words "or some person or persons designated by him", so that the section shall read as follows:

Clerk to
keep
record of
decisions

64. The clerk of the municipality, or some person or persons designated by him, shall be the clerk of the court, and shall keep in a book a record of the proceedings and decisions of the court, which shall be certified by the chairman of the court.

Rev. Stat.,
c. 24, s. 69,
subs. 9,
amended

17.—(1) Subsection 9 of section 69 of *The Assessment Act* is amended by striking out the words "The clerk shall also advertise in some newspaper published in the municipality, or, if there be no such paper, then in some newspaper published in the nearest or a neighbouring municipality in which one is published" in the first, second, third and fourth lines and inserting in lieu thereof the words "The clerk may also advertise in some newspaper having general circulation in the municipality", so that the subsection shall read as follows:

Clerk may
advertise
sittings
of court

- (9) The clerk may also advertise in some newspaper having general circulation in the municipality the time at which the court will hold its first sittings for the year, and the advertisement shall be published at least ten days before the time of such first sittings.

Rev. Stat.,
c. 24, s. 69,
subs. 22,
amended

(2) Subsection 22 of the said section 69 is amended by adding at the end thereof the words "and such notice shall state thereon that such decision may be appealed to the county judge within ten days of the mailing of the notice", so that the subsection shall read as follows:

Notice of
decision

- (22) When the court of revision has heard and decided an appeal, the clerk shall thereupon cause notice of the decision in such appeal to be given by registered

mail

mail to the persons to whom notice of the hearing of such appeal was given and such notice shall state thereon that such decision may be appealed to the county judge within ten days of the mailing of the notice.

18. Subsection 2 of section 72 of *The Assessment Act* is Rev. Stat., c. 24, s. 72, subs. 2, re-enacted repealed and the following substituted therefor:

- (2) The person appealing shall personally or by his agent Notice of appeal to clerk give notice in writing to the clerk of the municipality or to the assessment commissioner, if any, within ten days after notice of the decision of the court of revision has been given by the clerk under subsection 22 of section 69, of his intention to appeal to the county judge.

19. Subsection 2 of section 79 of *The Assessment Act*, as Rev. Stat., c. 24, s. 79 (1951, c. 4, s. 7), subs. 2, amended re-enacted by section 7 of *The Assessment Amendment Act, 1951*, is amended by adding at the end thereof the words "and such notice shall state thereon that such decision may be appealed to the Ontario Municipal Board within twenty-one days of the mailing of such notice", so that the subsection shall read as follows:

- (2) When the judge has heard and decided an appeal, Notice of decision the clerk shall thereupon cause notice of the decision in such appeal to be given by registered mail to the persons to whom notice of the hearing was given and such notice shall state thereon that such decision may be appealed to the Ontario Municipal Board within twenty-one days of the mailing of such notice.

20. Subsection 1 of section 87 of *The Assessment Act* is Rev. Stat., c. 24, s. 87, subs. 1, amended amended by inserting after the word "property" in the fifth line the words "and business assessment", so that the subsection shall read as follows:

- (1) The council of every county shall yearly, and not Annual examination of assessment rolls by county councils for purpose of equalization later than the 1st day of July, examine the assessment rolls for the preceding year of the different townships, towns and villages in the county, for the purpose of ascertaining whether the valuations of real property and business assessment made by the assessors in each township, town or village bear a just relation one to another, and may, by by-law for the purpose of county rates, increase or decrease in any township, town or village, the aggregate valuations, adding or deducting so much per cent as may, in their opinion, be necessary to produce a just relation between them; but they shall not reduce the aggregate valuation for the whole county as made by the assessors.

Rev. Stat.,
c. 24, s. 89,
par. 4,
amended

21.—(1) Paragraph 4 of section 89 of *The Assessment Act* is amended by inserting after the word “property” in the ninth line the words “and business assessment”.

Rev. Stat.,
c. 24, s. 89,
par. 10,
amended

(2) Paragraph 10 of the said section 89 is amended by inserting after the word “property” in the twelfth line the words “and business assessment”.

Rev. Stat.,
c. 24, s. 91,
amended

22. Section 91 of *The Assessment Act* is amended by striking out the words “as equalized” in the fifth line and by inserting after the word “year” in the sixth line the words “as equalized”, so that the section shall read as follows:

Apportion-
ment of
county rates,
how to be
based

91. The council of a county, in apportioning a county rate among the different townships, towns and villages within the county, shall, in order that the same may be assessed equally on the whole rateable property of the county, make the assessment of real property and business assessments in the preceding year as equalized the basis upon which the apportionment is made.

Rev. Stat.,
c. 24, s. 96,
subs. 1,
amended

23. Subsection 1 of section 96 of *The Assessment Act* is amended by striking out the words “as equalized” in the fifth line and by inserting after the word “assessments” in the fifth line the words “as equalized”, so that the subsection shall read as follows:

County rate

(1) Notwithstanding anything in this Act or any other special or general Act, the ascertainment, imposition or levy by a county council of any rate for county purposes shall be made and raised upon and from the assessment of real property and business assessments as equalized in the county.

Rev. Stat.,
c. 24, s. 97,
amended

24. Section 97 of *The Assessment Act* is amended by adding thereto the following subsections:

Appeal in
cases of
equalization
of assess-
ment

(17) If any municipality or locality in a district is dissatisfied with the last revised assessment as equalized for any purpose by the district assessor or by the Department, the municipality or trustees of an improvement district or school board, as the case may be, may appeal by notice in writing to the Ontario Municipal Board from the decision of the district assessor or the Department at any time within thirty days after the mailing of the equalized report to the municipality or locality by the district assessor or the Department.

(18) The costs incurred in the prosecution and opposing ^{Costs} of such an appeal respectively, the fees of the stenographic reporter, if any, and any other expenses incidental to the hearing of the appeal, shall be borne and paid as directed by the Ontario Municipal Board and not otherwise, and shall be subject to taxation on the district court scale by the clerk of the district court of the district in which the municipality or locality is situated.

(19) An appeal shall lie from the decision of the Ontario ^{Appeal from} Municipal Board under this section to the Court of ^{Ontario} Appeal upon all questions of law or the construction ^{Municipal} of a statute, a municipal by-law, any agreement in ^{Board} writing to which the municipality concerned is a party, or any order of the Board.

(20) The procedure on the appeal to the Court of Appeal ^{Procedure on} shall be, as nearly as may be, the same as upon an ^{appeal to} appeal from a county court to the Court of Appeal. ^{Court of} ^{Appeal}

25.—(1) Subsection 2 of section 124 of *The Assessment Act*, ^{Rev. Stat.,} as re-enacted by section 13 of *The Assessment Amendment* ^{c. 24, s. 124} ^{(1953, c. 6,} ^{s. 13),} is amended by striking out the words “31st day of ^{subs. 2,} January” in the third line and inserting in lieu thereof the ^{amended} words “28th day of February”, so that the subsection shall read as follows:

(2) The application may be made at any time during the ^{Time for} year in respect of which the application is made and ^{making} until the 28th day of February in the following year ^{application} and notice in writing of the application shall be given to the assessment commissioner, or if none, the clerk of the municipality.

(2) *Subsection 4 of the said section 124 is repealed and the ^{Rev. Stat.,} following substituted therefor: ^{c. 24, s. 124} ^{(1953, c. 6,} ^{s. 13),} ^{subs. 4,} ^{re-enacted}

(4) The court of revision shall hear and dispose of every ^{Hearing and} application not later than the 31st day of March in ^{disposition} the year following the year in respect of which the application is made and the clerk shall thereupon cause notice of the decision in such application to be given by registered mail to the persons to whom notice of the hearing of such application was given and such notice shall state thereon that such decision may be appealed to the Ontario Municipal Board within twenty-one days of the mailing of such notice.

Rev. Stat.,
c. 24, s. 124
(1953, c. 6,
s. 13),
subs. 6,
re-enacted

Notice of
appeal

(3) Subsection 6 of the said section 124 is repealed and the following substituted therefor:

- (6) A notice of appeal to the Board under subsection 5 shall be sent by registered mail by the party appealing to the clerk of the municipality and to the secretary of the Board within twenty-one days after the date fixed in subsection 4 or within twenty-one days after notice of the decision of the court of revision has been mailed, whichever date is the earlier.

Rev. Stat.,
c. 24, s. 125,
re-enacted

26. Section 125 of *The Assessment Act* is repealed and the following substituted therefor:

Proceedings
when taxes
unpaid

- 125.—(1) The treasurer shall, upon receiving the roll returned under section 120, mail or cause to be delivered a notice to each person appearing on the roll with respect to whose land any taxes appear to be in arrear for that year.

Verification
notice

- (2) When the auditor gives a verification notice to each person mentioned in subsection 1, the treasurer shall not be obliged to comply with subsection 1.

Rev. Stat.,
c. 24, s. 126,
subs. 2,
amended

27. Subsection 2 of section 126 of *The Assessment Act*, as amended by subsection 2 of section 11 of *The Assessment Amendment Act, 1951*, is further amended by striking out the words "on lands of non-residents which have become occupied, as required by section 132" in the third and fourth lines, so that the subsection shall read as follows:

Contents of
statement

- (2) Such statement shall contain a description of the lots or parcels of land, a statement of unpaid arrears of taxes, if any, and of arrears of taxes paid, and the county treasurer shall not be bound to receive any such statement after the 7th day of June in each year.

Rev. Stat.,
c. 24, s. 129,
subs. 2,
amended

28. Subsection 2 of section 129 of *The Assessment Act* is amended by striking out the words "and of all taxes on lands of non-residents" in the third line, so that the subsection shall read as follows:

Collection
of arrears
to belong
to county
treasurer
only

- (2) The collection of arrears shall thenceforth belong to the treasurer of the county alone, and he shall receive payment of such arrears, and he shall give a receipt therefor, specifying the amount paid, for what period, the description of the lot or parcel of land, and the date of payment, in accordance with the provisions of section 139.

Rev. Stat.,
c. 24, s. 132,
subs. 1,
amended

29. Subsection 1 of section 132 of *The Assessment Act* is amended by striking out the words "*Occupied or Built upon*

and

and *Parties Notified*', or '*Not Occupied*', or '*Incorrectly described*', or" in the fourteenth and fifteenth lines and inserting in lieu thereof the words "*Parties notified*" or '*Incorrectly described*' ", so that the subsection shall read as follows:

- (1) The clerk of the municipality or assessment commissioner is hereby required to keep the said list, so furnished by the treasurer, on file in his office, subject to the inspection of any person requiring to see the same, and he shall also deliver a copy of such list to the assessor of the municipality in each year as soon as he is appointed, and it shall be the duty of the assessor to ascertain if any of the lots or parcels of land contained in such lists are occupied or built upon or are incorrectly described, and to notify such occupants and also the owners thereof, if known, whether resident within the municipality or not, upon their respective assessment notices, or otherwise, that the land is liable to be sold for arrears of taxes, and to enter in a column to be reserved for the purpose the words "*Parties notified*" or "*Incorrectly described*", as the case may be, and all such lists shall be signed by the assessor, verified as provided in subsection 3, and returned to the clerk with the assessment roll, together with a memorandum of any error discovered therein, and the clerk shall compare the entries in the assessor's return with the assessment roll and report any differences to the assessor for verification, and the clerk shall transmit such lists and any such memorandum forthwith to the treasurer of the municipality if the municipality is one whose officers have power to sell lands for arrears of taxes, or in other cases to the county treasurer, and the treasurer in either case shall attach the seal of the corporation to such lists and file the same in his office for public use, and every such list or copy thereof shall be received in any court as evidence, in any case arising concerning the assessment of such lands.

30. Section 134 of *The Assessment Act* is amended by striking out the words "or neglects to return to the treasurer a correct list of the lands which have become occupied, or built upon, as required by section 132" in the fifth, sixth and seventh lines, so that the section shall read as follows:

Clerks to keep the lists in their offices open to inspection, give copies to assessors, notify occupants, etc.

Rev. Stat.,
c. 24, s. 134,
amended

134. Any clerk or assessment commissioner, as the case may be, of any municipality who neglects to preserve the said list of lands in arrears for taxes, furnished to him by the treasurer, in pursuance of section 131, or to furnish copies of such lists, as required, to the

Penalty for neglect to preserve list of lands in arrears for taxes

assessor, or any assessor who neglects to examine the lands entered on his list, and to make returns in manner hereinbefore directed, shall be guilty of an offence and liable to a penalty of not more than \$200.

Rev. Stat.,
c. 24, s. 176,
subs. 1,
re-enacted

31. Subsection 1 of section 176 of *The Assessment Act* is repealed and the following substituted therefor:

Application
of redemption
money

(1) Out of the redemption money the treasurer shall pay to the purchaser (not being the municipality) or his assigns or other legal representatives,

(a) the sum paid by him together with 10 per cent of the full amount of the taxes for which the land was offered for sale; or

(b) if the sum paid by the purchaser was less than the amount of taxes for which the land was offered for sale, the sum paid by him together with 10 per cent of such sum,

and the balance less the lawful costs, charges and expenses of the treasurer shall belong to the municipality.

Rev. Stat.,
c. 24, s. 199,
amended

32. Section 199 of *The Assessment Act* is amended by inserting after the word "rates" in the second line the words "or raise money", so that the section shall read as follows:

Where
deficiency
occurs

199. Every municipal council in paying over any rate to a body for which it is required by law to levy rates or raise money shall, except where otherwise provided, supply out of the funds of the corporation any deficiency caused by the non-payment of taxes and where any deficiency is caused by the abatement or refund of, or inability to collect taxes, the council shall charge back a proportionate share thereof to every such body.

Rev. Stat.,
c. 24,
amended

33. *The Assessment Act* is amended by adding thereto the following sections:

Where taxes
uncollectable

236.—(1) Where the treasurer ascertains that certain taxes are uncollectable, he shall recommend to the court of revision that such outstanding taxes be struck off the roll, and the court may recommend to the council that such taxes be struck off the roll and the council, upon the recommendation of the court, with the approval of the Department, may direct the treasurer to strike such taxes off the roll.

- (2) Notwithstanding subsection 1, the treasurer may strike from the roll taxes which by reason of a decision of a judge of any court are uncollectable. Taxes uncollectable by reason of court decision

237.—(1) Where the Government of Canada desires to enter into an agreement with a municipality, which will relieve a tenant or user of any land owned by Her Majesty in right of Canada, or in which Her Majesty has an interest, from his personal liability to pay taxes assessed against him, or which will provide payment for specific municipal services rendered to such a tenant or user or to Her Majesty, the municipality may enter into an agreement with Her Majesty in right of Canada providing for an amount of money to be paid to the municipality during the term of the agreement in lieu of taxes, or payment for such specific municipal services, that would otherwise be payable. Agreement with Her Majesty in right of Canada for payment in lieu of taxes

- (2) Where an agreement is entered into pursuant to subsection 1, no municipality shall levy any tax on or in respect of any person who uses land referred to in such an agreement. Municipality not to levy taxes

- (3) The money received by a municipality under an agreement entered into pursuant to subsection 1 shall be credited to the general fund of the municipality. Distribution of money

34. Form 4 of *The Assessment Act* is amended by adding thereto the following paragraph: Rev. Stat., c. 24, Form 4, amended

7. I have, according to the best of my information and belief, complied with all the provisions of *The Assessment Act* with regard to the preparation of the assessment roll.

35. *The Assessment Act* is amended by adding thereto the following form: Rev. Stat., c. 24, amended

FORM 9

(Section 8, Subsection 1a)

(Address).....

THE ASSESSMENT COMMISSIONER OR CLERK

OF THE TOWNSHIP OF.....

Dear Sir or Madam:

Please take notice that the statement of plant of the (*Name of Company*).....in the Township of.....for the year ending December 31st, 19...., is:

ASSESSABLE

ASSESSABLE PLANT		NON-ASSESSABLE PLANT	
TOTAL MILES of poles and one wire or circuit, including half on boundaries of ad- joining town- ships	TOTAL MILES of additional wires or addi- tional circuits on same poles, in- cluding half on boundaries of ad- joining townships	TOTAL MILES of one exempt wire or circuit, including half on boundaries of ad- joining town- ships	TOTAL MILES of additional exempt wires or circuits, includ- ing half on boun- daries of adjoining townships

SIGNED ON BEHALF OF THE COMPANY BY.....
(*Signing Officer*)

Commence-
ment

36.—(1) This Act, except subsections 1 and 4 of section 1, sections 2, 3, 7, 8 and 11, subsection 2 of section 12, and sections 20, 21, 22, 23 and 24, comes into force on the day it receives Royal Assent.

Idem

(2) Subsection 2 of section 12 shall be deemed to have come into force on the 1st day of January, 1954.

Idem

(3) Sections 8, 11, 20, 21, 22, 23 and 24 shall be deemed to have come into force on the 1st day of January, 1955.

Idem

(4) Subsections 1 and 4 of section 1 and sections 2, 3 and 7 come into force on the 1st day of January, 1956.

Short title

37. This Act may be cited as *The Assessment Amendment Act, 1955*.

CHAPTER 5

An Act to amend The Blind Persons' Allowances Act, 1951

*Assented to March 31st, 1955
Session Prorogued March 31st, 1955*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 2 of *The Blind Persons' Allowances Act, 1951*, as enacted by section 1 of *The Blind Persons' Allowances Amendment Act, 1952*, is repealed and the following substituted therefor:

1951
(2nd Sess.),
c. 1, s. 2,
subs. 2
(1952,
c. 5, s. 1),
re-enacted

(2) The Minister, with the approval of the Lieutenant-Governor in Council, may, from time to time, on behalf of the Government of Ontario, make one or more supplemental agreements with the Minister of National Health and Welfare on behalf of the Government of Canada amending any of the provisions of the agreement mentioned in subsection 1 in order to conform with the *Blind Persons Act* (Canada) as amended from time to time.

Supple-
mental
agreements
authorized

R.S.C.
1952, c. 17

(3) Allowances may be paid in accordance with the agreement made under subsection 1 or any supplemental agreement made under subsection 2.

Payment
authorized

2. Section 6 of *The Blind Persons' Allowances Act, 1951* is repealed and the following substituted therefor:

1951
(2nd Sess.),
c. 1, s. 6,
re-enacted

6.—(1) In the case of a recipient,

(a) for whom a committee or trustee is acting; or

(b) who, in the opinion of the Director, is using or is likely to use the allowance otherwise than for his own benefit, or is incapacitated or is incapable of handling his affairs,

When an
allowance
may be paid
to a trustee

the Director may appoint a person to act for the recipient and the allowance may be paid for the

benefit

benefit of the recipient to the committee or trustee mentioned in clause *a* or to the person appointed under clause *b*.

Compensa-
tion

- (2) A person acting for a recipient under subsection 1 is not entitled to any fee or other compensation or reward or to any reimbursement for any costs or expenses incurred by him.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Blind Persons' Allowances Amendment Act, 1955*.

CHAPTER 6

**An Act to amend
The Conditional Sales Act**

*Assented to March 31st, 1955
Session Prorogued March 31st, 1955*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 7 of section 2 of *The Conditional Sales Act* Rev. Stat.,
c. 61, s. 2,
subs. 7,
repealed is repealed.

2. *The Conditional Sales Act* is amended by adding thereto Rev. Stat.,
c. 61,
amended the following section:

2a.—(1) This Act does not apply to a contract for the Rolling
stock sale of rolling stock by an incorporated company to a railway company if the contract or a copy of it is filed in the office of the Provincial Secretary within ten days from its execution.

(2) A contract under subsection 1 may be discharged Discharge by filing in the office of the Provincial Secretary a certificate signed by the seller to the effect that all moneys due thereunder have been satisfied.

3. This Act comes into force on the day it receives Royal Commence-
ment Assent.

4. This Act may be cited as *The Conditional Sales Amend- Short title
ment Act, 1955.*

CHAPTER 7

**An Act to amend
The Conservation Authorities Act**

*Assented to March 31st, 1955
Session Prorogued March 31st, 1955*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 14 of *The Conservation Authorities Act*, as amended by section 5 of *The Conservation Authorities Amendment Act, 1952*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 62, s. 14,
re-enacted
14. Before proceeding with a scheme which is to be financed by funds raised and spent by the authority during the current year, the authority shall file plans and a description thereof with and obtain the approval in writing of the Minister, and, where any portion of the cost of a scheme is to be raised in a subsequent year or years, shall also obtain the approval of the Ontario Municipal Board.

Approval of
scheme
2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment
3. This Act may be cited as *The Conservation Authorities Amendment Act, 1955*.

Short title

CHAPTER 8

An Act to amend The Coroners Act

Assented to March 31st, 1955
Session Prorogued March 31st, 1955

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 36 of *The Coroners Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 70, s. 36,
re-enacted

36.—(1) Stationery, forms and postage for coroners shall be provided, in the case of a coroner appointed for a municipality, by the municipality, and in the case of a coroner appointed for a provisional judicial district, by the Province. Stationery,
etc.

(2) Every county, city, separated town and provisional judicial district shall provide, Accommoda-
tion

(a) a suitable place for holding *post mortem* examinations; and

(b) a suitable place for holding inquests.

(3) If a suitable place for holding *post mortem* examinations and a suitable place for holding inquests are not provided under subsection 2, the coroner may procure such a place or places and the cost thereof, when certified by the coroner and approved by the Crown attorney, shall be paid by the treasurer of the county, city, separated town or provisional judicial district that failed to comply with subsection 2. Idem

2. Section 38 as amended by section 4 of *The Coroners Amendment Act, 1951*, section 39, section 40 as amended by section 5 of *The Coroners Amendment Act, 1951*, and section 41 of *The Coroners Act* are repealed and the following substituted therefor: Rev. Stat.,
c. 70,
ss. 38-40,
re-enacted;
s. 41, re-
pealed

38.—(1) The coroner shall render the account for his fee and allowances for holding an investigation or Coroners'
accounts

inquest

inquest to the treasurer of the county in which the investigation or inquest was held, or where the investigation or inquest was held in a provisional judicial district, to the treasurer of the district, and when the account has been audited by the county board of audit, or where the investigation or inquest was held in a provisional judicial district, by the Auditor of Criminal Justice Accounts, the treasurer of the county or provisional judicial district, as the case may be, shall pay the amount specified therein.

Crown
attorneys'
and
constables'
accounts

- (2) The Crown attorney's account for his fee and expenses for attending an inquest and a constable's account for his fee and travelling expenses for services performed in connection with an inquest shall be rendered and paid in the manner provided in *The Administration of Justice Expenses Act*.

Rev. Stat.,
c. 5

Witnesses',
jurors',
steno-
graphers'
and inter-
preters'
accounts

- (3) The coroner shall give to every witness and juror entitled to a fee and mileage allowance in connection with an inquest and to every stenographer and interpreter so entitled to a fee an order on the treasurer of the county, city or separated town in which the inquest was held, or where the inquest was held in a provisional judicial district outside a city, on the treasurer of the district, for the payment of the amount of the fee and mileage allowance, if any, specified in the order and upon presentation of the order, the treasurer, if satisfied of the correctness thereof, shall pay the amount in accordance therewith.

Post mortem
examination
accounts

- (4) A legally qualified medical practitioner shall render his account for his fee for any *post mortem* examination or analysis under Schedule C to the treasurer of the county, city or separated town in which the investigation or inquest was held, or where the investigation or inquest was held in a provisional judicial district outside a city, to the treasurer of the district, and if the amount has been approved by the coroner, and where it has been determined that an inquest is unnecessary, approved also by the Attorney-General, the Crown attorney or the supervising coroner, the treasurer of the county, city, separated town or provisional judicial district, as the case may be, shall pay the amount specified therein.

Reimburse-
ment of
counties for
coroners'
fees, etc.

39. Coroners' fees and allowances for holding investigations and inquests paid by the treasurer of a county under subsection 1 of section 38 shall, when the

accounts

accounts therefor have been audited by the Auditor of Criminal Justice Accounts, be reimbursed to the treasurer of the county out of such moneys as are appropriated by the Legislature for the expenses of the administration of justice.

40. Where an investigation or inquest is held by a coroner and it is found that the cause of death did not arise in the county, city, separated town or provisional judicial district in which the investigation or inquest was held, the amounts of the fees and allowances that were paid in the first instance by the treasurer of such county, city, separated town or provisional judicial district shall be paid to him on the certificate of the coroner by the treasurer of the county, city, separated town or provisional judicial district in which it was found that the cause of death arose.

3. This Act may be cited as *The Coroners Amendment Act*, Short title 1955.

CHAPTER 9

An Act to amend The Corporations Act, 1953

Assented to March 31st, 1955
Session Prorogued March 31st, 1955

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 4 of section 12 of *The Corporations Act, 1953* ^{1953, c. 19, s. 12, subs. 4, amended} is amended by inserting after the figure "3" in the first line the words "certified under the seal of the court", so that the subsection shall read as follows:

(4) A copy of any order made under subsection 3 ^{Filing} certified under the seal of the court shall be filed with the Provincial Secretary by the corporation within ten days after it is made.

2. Subsection 1 of section 23 of *The Corporations Act, 1953* ^{1953, c. 19, s. 23, subs. 1, re-enacted} is repealed and the following substituted therefor:

(1) Except as provided in subsection 2, a company shall ^{Loans to shareholders and directors} not make loans to any of its shareholders or directors or give, directly or indirectly, by means of a loan, guarantee, the provision of security or otherwise, any financial assistance for the purpose of, or in connection with, a purchase made or to be made by any person of any shares of the company.

3. Subsection 7b of section 27 of *The Corporations Act, 1953*, ^{1953, c. 19, s. 27, subs. 7b} as enacted by subsection 1 of section 6 of *The Corporations Amendment Act, 1954*, ^(1954, c. 14, s. 6, amended) is amended by striking out the word "shares" where it occurs in the first and third lines respectively and inserting in lieu thereof the words "preference shares", so that the subsection shall read as follows:

(7b) Where a holder of preference shares of a private ^{Redemption of preference shares of private company} company dies or leaves its employment, it may within one year of such event redeem all or any of the preference shares held by the deceased shareholder or former employee.

1953,
c. 19, s. 33,
subss. 3, 4
(1954,
c. 14, s. 7,
subss. 1),
re-enacted

4. Subsections 3 and 4 of section 33 of *The Corporations Act, 1953*, as re-enacted by subsection 1 of section 7 of *The Corporations Amendment Act, 1954*, are repealed and the following substituted therefor:

Authoriza-
tion of
application
under
cls. o to r

- (3) An application under clauses *o* to *r* of subsection 1 shall be authorized by a resolution of the board of directors and confirmed in writing,

(a) by 100 per cent of the shareholders; or

(b) by at least 95 per cent of the shareholders holding at least 95 per cent of the issued capital,

but in the case of confirmation under clause *b*, the application shall not be made until twenty-one days notice of the application has been given by sending the notice to each shareholder to his last address as shown on the books of the company and only if at the expiration of the twenty-one days none of the shareholders has dissented in writing to the company.

Additional
authoriza-
tion for
variation
of rights of
preference
shareholders

- (4) If the application is to delete or vary any preference, right, condition, restriction, limitation or prohibition attaching to any class of preference shares or to create preference shares ranking in priority to or on a parity with any existing class of preference shares, then, subject to subsection 4*a* and in addition to the authorization required by subsection 2, the application shall not be made until the application has been authorized in writing,

(a) by 100 per cent of the holders of the shares of such class or classes of shares; or

(b) by at least 95 per cent of the holders of the shares of such class or classes of shares holding at least 95 per cent of the issued shares of such class or classes,

but in the case of authorization under clause *b*, the application shall not be made until twenty-one days notice of the application has been given by sending the notice to each of the holders of shares of such class or classes to his last address as shown on the books of the company and only if at the expiration of twenty-one days none of the holders of such class or classes has dissented in writing to the company.

5. Clause *a* of section 91 of *The Corporations Act, 1953* ^{1953, c. 19, s. 91, cl. a, amended} is amended by striking out the word "that" in the third line and inserting in lieu thereof the word "than", so that the clause shall read as follows:

- (a) amounts appropriated from earned surplus at the discretion of management for some purpose other than to meet a liability or contingency known or admitted or a commitment made as at the statement date or a decline in value of an asset that has already occurred.

6. Subsection 3 of section 94 of *The Corporations Act, 1953* ^{1953, c. 19, s. 94, subs. 3, re-enacted} is repealed and the following substituted therefor:

- (3) This section does not prevent a subsidiary that on ^{Exception} the 30th day of April, 1954, held shares of its holding company from continuing to hold such shares, but, subject to subsection 2, the subsidiary has no right to vote at meetings of shareholders of the holding company or at meetings of any class of shareholders thereof.

7. Subsection 1 of section 95 of *The Corporations Act, 1953* ^{1953, c. 19, s. 95, subs. 1, amended} is amended by striking out the word "liabilities" in the seventh line and inserting in lieu thereof the word "limitations", so that the subsection shall read as follows:

- (1) In this section, "arrangement" includes a re-^{Interpre-}organization of the authorized capital of a company and includes, without limiting the generality of the foregoing, the consolidation of shares of different classes, the reclassification of shares of a class into shares of another class and the variation of the terms, preferences, rights, conditions, restrictions, limitations or prohibitions attaching to shares of any class and includes a reconstruction under which a company transfers or sells or proposes to transfer or to sell to another company the whole or a substantial part of its undertaking for a consideration consisting in whole or in part of shares or securities of the other company and in which it proposes to distribute a part of such consideration among its shareholders of any class or to cease carrying on its undertaking or the part of its undertaking so transferred or sold or so proposed to be transferred or sold.

8. Subsection 3 of section 113 of *The Corporations Act, 1953*, ^{1953, c. 19, s. 113, subs. 3} as re-enacted by subsection 1 of section 17 of *The Corporations Amendment Act, 1954*, ^{(1954, c. 14, s. 17, subs. 1), re-enacted} is repealed and the following substituted therefor:

Authoriza-
tion under
cls. *e* to *g*

- (3) An application under clauses *e* to *g* of subsection 1 shall be authorized by resolution of the board of directors and confirmed in writing,

(a) by 100 per cent of the members; or

(b) by at least 95 per cent of the members,

but in the case of confirmation under clause *b*, the application shall not be made until twenty-one days notice of the application has been given by sending the notice to each member to his last address as shown on the books of the corporation and only if at the expiration of the twenty-one days none of the members has dissented in writing to the corporation.

1953,
c. 19, s. 114,
subs. 3,
amended

- 9.** Subsection 3 of section 114 of *The Corporations Act, 1953* is amended by striking out the word "ten" in the third line and inserting in lieu thereof the word "fourteen", so that the subsection shall read as follows:

Filing and
publication
of notice

- (3) Notice of any by-law passed under this section shall be filed with the Provincial Secretary and published in *The Ontario Gazette* by the corporation within fourteen days after the by-law has been confirmed.

1953,
c. 19, s. 207,
subs. 2,
amended

- 10.** Subsection 2 of section 207 of *The Corporations Act, 1953* is amended by adding thereto the following clause:

bonds, etc.,
issued or
guaranteed
by Inter-
national
Bank

- (bb) the bonds, debentures or other securities issued or guaranteed by the International Bank for Reconstruction and Development established by the Agreement for an International Bank for Reconstruction and Development approved by *The Bretton Woods Agreements Act, 1945* (Canada), if the bonds, debentures or other securities are payable in the currency of Canada, the United Kingdom, any member of the British Commonwealth or the United States of America.

1945
(2nd Sess.),
c. 11 (Can.)

1953,
c. 19, s. 217,
subs. 1,
amended

- 11.** Subsection 1 of section 217 of *The Corporations Act, 1953*, as amended by section 32 of *The Corporations Amendment Act, 1954*, is further amended by striking out the word "described" in the second line and inserting in lieu thereof the word "describe", so that the subsection, exclusive of the clauses, shall read as follows:

Reserves

- (1) In a financial statement, the term "reserve" shall be used to describe only,

.

12. Subsection 1 of section 243 of *The Corporations Act, 1953*,^{1953, c. 19, s. 243, subs. 1, amended} is amended by striking out the word "ten" in the fourth line and inserting in lieu thereof the word "fourteen", so that the subsection shall read as follows:

- (1) Notice of any resolution requiring the voluntary winding up of a corporation shall be filed with the Provincial Secretary and published in *The Ontario Gazette* by the corporation within fourteen days after the resolution has been passed.^{Filing and publication of notice}

13. Subsection 3 of section 289 of *The Corporations Act, 1953* is amended by striking out the word "ten" in the third line and inserting in lieu thereof the word "fourteen", so that the subsection shall read as follows:^{1953, c. 19, s. 289, subs. 3, amended}

- (3) Notice of the special resolution shall be filed with the Provincial Secretary and published in *The Ontario Gazette* by the corporation within fourteen days after the resolution has been confirmed by the shareholders or members, but the provisions of this subsection as to the filing and publication of the notice are directory only and are not a condition precedent to the validity of the special resolution.^{Filing and publication of notice}

14. Subsection 2 of section 296 of *The Corporations Act, 1953* is amended by striking out the word "ten" in the third line and inserting in lieu thereof the word "fourteen", so that the subsection shall read as follows:^{1953, c. 19, s. 296, subs. 2, amended}

- (2) Notice of the special resolution shall be filed with the Provincial Secretary and published in *The Ontario Gazette* by the corporation within fourteen days after the resolution has been confirmed by the shareholders or members, but the provisions of this subsection as to the filing and publication of the notice are directory only and are not a condition precedent to the validity of the special resolution.^{Filing and publication of notice}

15. Section 310 of *The Corporations Act, 1953* is amended by adding thereto the following subsection:^{1953, c. 19, s. 310, amended}

- (4) Where a by-law or resolution purports to have been passed or confirmed pursuant to this section by the signatures of all the directors, shareholders or members, as the case may be, of the corporation, the signatures to such by-law or resolution are *prima facie* evidence of the signatures of all the directors, shareholders or members, as the case may be, and are *prima facie* evidence that the signatories to the by-law or resolution were all the directors, share-^{Evidentiary value of signatures}

holders or members, as the case may be, at the date that the by-law or resolution purports so to have been passed or confirmed.

1953
c. 19, s. 316,
amended

16. Section 316 of *The Corporations Act, 1953* is amended by adding thereto the following subsection:

Rescission
of orders
made under
subs. 3

- (5) The Provincial Secretary may by order upon such terms as he sees fit rescind any order made under subsection 3 or any order made by the Lieutenant-Governor in Council under a predecessor of that subsection.

1953, c. 19,
s. 323,
amended

17. Section 323 of *The Corporations Act, 1953* is amended by striking out the words "to the same extent as if such debts, contracts, liabilities and duties had been incurred or contracted by it" in the seventh, eighth and ninth lines, so that the section shall read as follows:

Rights of
creditors
preserved

323. All rights of creditors against the property, rights and assets of a corporation amalgamated under section 96 or continued under section 322, and all liens upon its property, rights and assets are unimpaired by such amalgamation or continuation, and all debts, contracts, liabilities and duties of the corporation thenceforth attach to the amalgamated or continued corporation and may be enforced against it.

1953,
c. 19, s. 326,
subs. 1, cl. a,
re-enacted

18. Clause *a* of subsection 1 of section 326 of *The Corporations Act, 1953* is repealed and the following substituted therefor:

- (a) that the surrender of its charter has been authorized,
- (i) by a majority of the votes cast at a meeting of its shareholders or members duly called for that purpose or by such other vote as the letters patent or supplementary letters patent of the corporation may provide, or
- (ii) by the consent in writing of all the shareholders or members entitled to vote at such meeting.

1953,
c. 19, s. 344,
amended

19. Section 344 of *The Corporations Act, 1953* is amended by adding thereto the following subsection:

General
exempting
power

- (2) Notwithstanding subsection 1, the Lieutenant-Governor in Council may exempt any class or classes of extra-provincial corporations from this Part.

20. Subsection 1 of section 345 of *The Corporations Act, 1953* is amended by inserting after the word "Part" in the third line the words "or a predecessor of this Part", so that the subsection shall read as follows:

1953,
c. 19, s. 345,
subs. 1,
amended

- (1) No extra-provincial corporation within class 10 or 11 mentioned in section 343 shall carry on in Ontario any of its business unless a licence under this Part or a predecessor of this Part so to do has been issued to it and unless such licence is in force, and no person, as the representative or agent of or acting in any other capacity for any such extra-provincial corporation, shall carry on any of its business in Ontario unless it has received such licence and unless such licence is in force.

Carrying on
business
without
licence
prohibited

21. Section 352 of *The Corporations Act, 1953* is amended by inserting after the word "licence" in the first line the words "under this Part or a predecessor of this Part", so that the section shall read as follows:

1953,
c. 19, s. 352,
amended

352. An extra-provincial corporation having a licence under this Part or a predecessor of this Part may, subject to the limitations and conditions of the licence, and subject to its Act or instrument of incorporation, acquire, hold, mortgage, alienate and otherwise dispose of land in Ontario and any interest therein to the same extent and for the same purposes as if it had been incorporated under this Act with power to carry on the business and exercise the powers embraced in the licence.

Dealing
with land

22. Section 353 of *The Corporations Act, 1953* is repealed and the following substituted therefor:

1953,
c. 19, s. 353,
re-enacted

- 353.—(1) Where sufficient cause is shown, the Lieutenant-Governor may by order, upon such terms and conditions as he deems fit, cancel any licence issued under this Part or a predecessor of this Part.
- (2) The Provincial Secretary shall cause notice of the cancellation of a licence under this section to be given in *The Ontario Gazette*.

Cancellation
of licence

Publication
of notice

23. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

24. This Act may be cited as *The Corporations Amendment Act, 1955*.

Short title

CHAPTER 10

An Act to amend The Costs of Distress Act

Assented to March 31st, 1955
Session Prorogued March 31st, 1955

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 6 of *The Costs of Distress Act* is Rev. Stat., c. 73, s. 6, subs. 2, amended amended by striking out the words "division court within whose division the same was made" in the fifth and sixth lines and inserting in lieu thereof the words "county or district court of the county or district within which the distress or seizure was made", so that the subsection shall read as follows:

- (2) The person whose goods are distrained or seized, Taxation of costs of distress or the person authorizing the distress or seizure, or any other person interested, upon giving two days notice in writing, may have the costs and expenses of the bailiff or other person making the distress or seizure taxed by the clerk of the county or district court of the county or district within which the distress or seizure was made.

2. This Act may be cited as *The Costs of Distress Amendment Act, 1955*. Short title

CHAPTER 11

An Act to amend The County Courts Act

Assented to March 31st, 1955
Session Prorogued March 31st, 1955

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 12 of *The County Courts Act*, as amended by Rev. Stat., c. 75, s. 12, re-enacted section 2 of *The County Courts Amendment Act, 1952*, section 1 of *The County Courts Amendment Act, 1953* and regulation 1 of Ontario Regulations 166/54, is repealed and the following substituted therefor:

- 12.—(1) Except where otherwise provided, in each year Trial sittings, general rule the sittings of the county courts for the trial of issues of fact and assessments of damages shall commence with or without a jury on the first Monday in June and December and without a jury on the first Monday in April and October.
- (2) In each year the sittings of the county courts of the Frontenac, Grey, Hastings, Kent, Ontario, Peterborough, Waterloo, and Welland counties of Frontenac, Grey, Hastings, Kent, Ontario, Peterborough, Waterloo, and Welland for the trial of issues of fact and assessments of damages shall commence with or without a jury on the first Monday in June and the third Monday in November and without a jury on the first Monday in April and October.
- (3) In each year the sittings of the county court of the Carleton county of Carleton for the trial of issues of fact and assessments of damages shall commence with or without a jury on the first Monday in February, April and October and without a jury on the first Monday in June and December.
- (4) In each year the sittings of the county court of the Essex county of Essex for the trial of issues of fact and assessments of damages shall commence with or without a jury on the first Monday in April and the third Monday in November and without a jury on the third Monday in February and the first Monday in June and October.

Lincoln

- (5) In each year the sittings of the county court of the county of Lincoln for the trial of issues of fact and assessments of damages shall commence with or without a jury on the first Monday in May and the first Monday in November and without a jury on the first Monday in April and October.

Middlesex

- (6) In each year the sittings of the county court of the county of Middlesex for the trial of issues of fact and assessments of damages shall commence with or without a jury on the second Monday in May and November and without a jury on the first Monday in April and October.

Simcoe

- (7) In each year the sittings of the county court of the county of Simcoe for the trial of issues of fact and assessments of damages shall commence with or without a jury on the first Monday in May and the third Monday in October and without a jury on the first Monday in April and October.

Wentworth

- (8) In each year the sittings of the county court of the county of Wentworth for the trial of issues of fact and assessments of damages with or without a jury shall commence on the first Monday in December and March and the second Monday in May and September.

York

- (9) In each year the sittings of the county court of the county of York for the trial of issues of fact and assessments of damages with or without a jury shall commence on the first Monday in December, March and May and the second Monday in September.

Postpone-
ment of
sittings

- (10) The judge of a county court may postpone the date of any sittings of the court if the postponement does not in his opinion conflict or interfere with the sittings of the Supreme Court in such county.

Notice of
postpone-
ment

- (11) Where any such sittings is so postponed, notice of the postponement and of the date upon which such sittings is to commence shall be posted in the office of the county court clerk not later than sixty days before the commencement of the postponed sittings.

Short title

2. This Act may be cited as *The County Courts Amendment Act, 1955*.

CHAPTER 12

An Act to amend The County Judges Act

*Assented to March 31st, 1955**Session Prorogued March 31st, 1955*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Sections 1, 2, 3, 11, 12 and 13 of *The County Judges Act* are repealed. Rev. Stat., c. 76, ss. 1-3, 11-13, repealed

2. Section 14 of *The County Judges Act* is repealed and the following substituted therefor: Rev. Stat., c. 76, s. 14, re-enacted

14. Every judge and junior judge, before entering upon the duties of his office, shall take and subscribe the following oath before a person appointed by the Lieutenant-Governor to administer the same: Oath of office

I,, do swear that I will, truly and faithfully, according to my skill and knowledge, execute the several duties, powers and trusts of judge of the County Court of the County of (or District Court of the District of). So help me God.

3. Subsection 8 of section 18 of *The County Judges Act*, as re-enacted by section 2 of *The County Judges Amendment Act, 1951*, is amended by striking out the word "judicial" in the second line and inserting in lieu thereof the word "municipal", so that the subsection shall read as follows: Rev. Stat., c. 76, s. 18 (1951, c. 16, s. 2), subs. 8, amended

(8) The local municipalities not forming part of a county for municipal purposes shall pay to the county such proper proportion of the cost of the shorthand writer or writers appointed for the local courts of the county as may be mutually agreed upon, or failing agreement, as may be determined by arbitration. Contribution

4.—(1) Section 20 of *The County Judges Act* is amended by adding at the end thereof the words "or that a provisional judicial district or two or more provisional judicial districts" Rev. Stat., c. 76, s. 20, amended

shall

shall form a district court district for the purposes of this Act", so that subsection 1 of the section shall read as follows:

County and
district
court
districts

- (1) The Lieutenant-Governor in Council may order that a county or two or more counties shall form a county court district for the purposes of this Act or that a provisional judicial district or two or more provisional judicial districts shall form a district court district for the purposes of this Act.

Rev. Stat.,
c. 76, s. 20,
amended

- (2) The said section 20 is further amended by adding thereto the following subsection:

Application
of ss. 21-27

- (2) When a district court district is formed, sections 21 to 27 shall apply *mutatis mutandis*.

Short title

- 5.** This Act may be cited as *The County Judges Amendment Act, 1955*.

CHAPTER 13

An Act to amend The Crown Attorneys Act

Assented to March 31st, 1955
Session Prorogued March 31st, 1955

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Crown Attorneys Act* is amended by adding thereto the following section:

Rev. Stat.,
 c. 81,
 amended
- 9a. Every Crown attorney is the agent of the Attorney-General for the purposes of the *Criminal Code* (Canada).

Attorney-General's
 agent
 1953-54,
 c. 51 (Can.)
2. Subsection 2 of section 14 of *The Crown Attorneys Act* is repealed.

Rev. Stat.,
 c. 81, s. 14,
 subs. 2,
 repealed
3. This Act comes into force on the 1st day of April, 1955.

Commence-
 ment
4. This Act may be cited as *The Crown Attorneys Amendment Act, 1955*.

Short title

CHAPTER 14

**An Act to amend
The Damage by Fumes Arbitration Act**

*Assented to March 31st, 1955
Session Prorogued March 31st, 1955*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 6 of *The Damage by Fumes Arbitration Act* is amended by striking out the symbol and figures "\$10,000" in the first line and inserting in lieu thereof the symbol and figures "\$20,000", so that the subsection shall read as follows:

Rev. Stat.,
c. 87, s. 6,
subs. 1,
amended

(1) A sum not exceeding \$20,000 in any year to cover the expenses of administering this Act, including the salary or other remuneration of the arbitrator, shall be payable annually to the Province by the company or companies smelting or roasting nickel-copper ore or iron ore.

Expenses,
how repay-
able to
Province

2. This Act shall be deemed to have come into force on the 1st day of January, 1955.

Commence-
ment

3. This Act may be cited as *The Damage by Fumes Arbitration Amendment Act, 1955*.

Short title

CHAPTER 15

An Act to amend The Dentistry Act

Assented to March 31st, 1955
Session Prorogued March 31st, 1955

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 22 of *The Dentistry Act* is amended by striking out the words "not exceeding \$25, as may be prescribed by by-law of the Board" in the fifth and sixth lines and inserting in lieu thereof the words "as may be prescribed by by-law passed by the Board and approved by the Lieutenant-Governor in Council", so that the subsection shall read as follows: Rev. Stat.,
c. 92, s. 22,
subs. 1,
amended

- (1) Every member of the College engaged in the practice of dental surgery in Ontario shall, on or before the 1st day of January in each year, pay to the treasurer, or to a person deputed by him to receive the same, such annual registration fee as may be prescribed by by-law passed by the Board and approved by the Lieutenant-Governor in Council, and such fee shall be recoverable by suit in the name of the Royal College of Dental Surgeons of Ontario in the division court of the division in which the member in default resides. Annual fees

2. The Schedule to *The Dentistry Act* is amended by striking out the words "city of Toronto" in the tenth line and inserting in lieu thereof the words "county of York" and by striking out the words "Wentworth, and York (except Toronto)" in the eighteenth line and inserting in lieu thereof the words "and Wentworth". Rev. Stat.,
c. 92,
Sched.,
amended

3. This Act comes into force on the day it receives Royal Assent. Commence-
ment

4. This Act may be cited as *The Dentistry Amendment Act*, 1955. Short title

CHAPTER 16

An Act to amend The Deserted Wives' and Children's Maintenance Act

Assented to March 31st, 1955
Session Prorogued March 31st, 1955

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Deserted Wives' and Children's Maintenance Act* is amended by adding thereto the following section: Rev. Stat.,
c. 102,
amended

9c.—(1) No appeal or other proceeding by way of *certiorari*, motion to quash, prohibition, mandamus or otherwise shall suspend the operation of any order for the payment of money made under this Act until the appeal or other proceeding is disposed of, unless an interim order suspending in whole or in part the operation of such order for payment is made upon application to the court in which the appeal or other proceeding is pending. Payment
of money
not affected
pending
appeal

(2) If a person ordered to pay money under this Act is in default, any appeal or other proceeding taken with respect to such order may be dismissed. If default
in payment
occurs

2. This Act may be cited as *The Deserted Wives' and Children's Maintenance Amendment Act, 1955*. Short title

CHAPTER 17

The Disabled Persons' Allowances Act, 1955

Assented to March 31st, 1955
Session Prorogued March 31st, 1955

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,Interpre-
tation

- (a) "allowance" means a disabled person's allowance provided under this Act and the regulations to the persons and under the conditions specified in the *Disabled Persons Act* (Canada) and the regulations made under it; 1953-54,
c. 55 (Can.)
- (b) "Director" means Director of the Disabled Persons' Allowances Branch of the Department of Public Welfare;
- (c) "investigator" means an investigator within the meaning of *The Old Age Assistance Act, 1951*; 1951
(2nd Sess.)
c. 2
- (d) "local authority" means local authority within the meaning of *The Old Age Assistance Act, 1951*;
- (e) "Minister" means Minister of Public Welfare;
- (f) "recipient" means a person to whom an allowance is granted and includes an applicant for an allowance;
- (g) "unmarried person" includes a widow, a widower, a divorced person, and a married person who, in the opinion of the Director, is living separate and apart from his spouse;
- (h) "regulations" means regulations made under this Act. 1952, c. 22, s. 1, *amended*.

2. An allowance at a rate of not more than \$40 a month Allowance may be paid to a recipient who,

(a)

(a) at the date of the proposed commencement of allowance payments to him,

(i) has attained the age of eighteen years, and

(ii) has resided in Canada for ten years immediately preceding that date, or if he has not so resided, has been present in Canada prior to those ten years for an aggregate period equal to twice the aggregate period of absences from Canada during those ten years;

(b) is totally and permanently disabled as prescribed by the regulations under the *Disabled Persons Act* (Canada);

1953-54,
c. 55 (Can.)

(c) is not in receipt of an allowance under the *Blind Persons Act* (Canada) or assistance under the *Old Age Assistance Act* (Canada) or an allowance under the *War Veterans Allowance Act, 1952* (Canada), or a pension under the *Old Age Security Act* (Canada);

R.S.C. 1952
cc. 17, 199,
340, 200

(d) is not receiving a benefit under *The Mothers' Allowances Act, 1952* or under similar legislation of another Province;

1952, c. 62

(e) is not a patient in a tuberculosis sanatorium, mental institution, home for the aged, infirmary or institution for the care of incurables;

(f) is not a patient or resident in a hospital, nursing home, or private, charitable or public institution, except as prescribed in the regulations under the *Disabled Persons Act* (Canada);

(g) is,

(i) an unmarried person, and his income, inclusive of allowance, is not more than \$720 a year, or

(ii) married and living with his spouse and the total income, inclusive of allowance, of the recipient and his spouse is not more than \$1,200 a year, or

(iii) married and living with his spouse who is blind within the meaning of the *Blind Persons Act* (Canada), and the total income, inclusive of allowance, of the recipient and his spouse is not more than \$1,320 a year. 1952, c. 22, s. 2, *amended*.

3. It is the duty of the Director,

Director,
duties

(a) to receive applications for allowances; and

(b) to determine the eligibility of each applicant for an allowance, and where the applicant is eligible, to determine the amount thereof and to direct payment accordingly. 1952, c. 22, s. 3 (2).

4. Where the Director is absent or there is a vacancy in the office, his powers and duties shall be exercised and performed by such civil servant as the Minister designates. 1952, c. 22, s. 3 (1).

Acting
Director

5. Every allowance shall be payable monthly in arrears. *New.*

When
allowance
payable

6.—(1) An allowance is exempt from provincial and municipal taxes.

Allowances
exempt from
taxation

(2) An allowance is not subject to alienation or transfer by the recipient.

Allowances
not assign-
able

(3) An allowance is not subject to attachment or seizure in satisfaction of any claim against the recipient. 1952, c. 22, s. 4.

Allowances
not subject
to seizure

7. The receipt of an allowance does not by itself constitute a disqualification of the recipient from voting at any provincial or municipal election. 1952, c. 22, s. 5.

Voting
rights

8. In the case of a recipient who, in the opinion of the Director, is using or is likely to use the allowance otherwise than for his own benefit, or is incapable of handling his affairs, the Director may direct that the allowance be paid to a trustee for the benefit of the recipient. 1952, c. 22, s. 6, *amended*.

When
allowance
may be paid
to trustee

9. Where an allowance has been paid and the Government of Canada,

Refusal of
Canada to
contribute

(a) refuses to pay any amount in respect thereof; or

(b) rules that overpayments have been made to the recipient,

the Lieutenant-Governor in Council may direct that all payments which at that time have been made shall be deemed to be expenses incurred in the administration of this Act. *New.*

When
payment of
allowances
to cease
1953-54,
c. 55 (Can.)

10. If for any reason the Government of Canada ceases to make the contributions provided for under the *Disabled Persons Act* (Canada) or fails to carry out any agreement referred to in section 14, all allowances under this Act shall thereafter cease and no further payments of allowances shall be made. *New.*

Funds for
purposes
of Act

11. Allowances and the expenses of the administration of this Act and the regulations are payable out of the moneys appropriated therefor by the Legislature. 1952, c. 22, s. 7.

Regulations

12. The Lieutenant-Governor in Council may make regulations,

- (a) governing the manner of making application for an allowance;
- (b) prescribing the material or proof of any fact, including evidence under oath, that is to be furnished before an allowance is paid;
- (c) prescribing the manner in which allowances are to be paid;
- (d) providing for the suspension and cancellation of allowances;
- (e) providing for the whole or part of the cost of providing medical and dental services to recipients or any class or group thereof;
- (f) prescribing the powers and duties of investigators or local authorities;
- (g) providing for the making of investigations respecting persons to whom allowances may be paid or by whom or on whose behalf application has been made for an allowance or who are in receipt of an allowance;
- (h) establishing an advisory board of one or more persons to assist the Director;
- (i) prescribing forms for use under this Act;
- (j) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1952, c. 22, s. 8, *amended.*

Offences and
penalties

13.—(1) No person shall knowingly obtain or receive an allowance that he is not entitled to obtain or receive under this Act and the regulations.

(2) No person shall knowingly aid or abet another person ^{Idem} to obtain or receive an allowance that such other person is not entitled to obtain or receive under this Act and the regulations.

(3) Every person who violates subsection 1 or 2 is guilty ^{Idem} of an offence and on summary conviction is liable to a penalty of not more than \$50 or to imprisonment for a term of not more than three months or to both fine and imprisonment.
New.

14. For the purpose of implementing this Act, the Minister, ^{Agreements authorized} with the approval of the Lieutenant-Governor in Council, may, on behalf of the Government of Ontario, make an agreement and one or more supplemental agreements with the Minister of National Health and Welfare on behalf of the Government of Canada. *New.*

15. *The Disabled Persons' Allowances Act, 1952* and *The* ^{1952, c. 22;} *Disabled Persons' Allowances Amendment Act, 1954* ^{1954, c. 23;} are ^{repealed} repealed.

16. This Act comes into force on a day to be named by the ^{Commence-} Lieutenant-Governor by his Proclamation, which day may be the day on which, or any day before or any day after the day on which, the Proclamation is made.

17. This Act may be cited as *The Disabled Persons' Allow-* ^{Short title} *ances Act, 1955.*

CHAPTER 18

An Act to amend The Division Courts Act

Assented to March 31st, 1955
Session Prorogued March 31st, 1955

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 159 of *The Division Courts Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 106, s. 159,
re-enacted

159.—(1) Where a judgment is obtained against the judgment debtor after the date of the consolidation order, the consolidation order *ipso facto* terminates. Judgment
after order

(2) Where the judgment debtor applies for a further consolidation order, the judge shall examine the nature of the further debt or debts incurred and may make the order. Further
order

2.—(1) Subsection 1 of section 161 of *The Division Courts Act* is amended by inserting after the word “judgment” in the second line the words “except an execution against lands”, so that the subsection shall read as follows: Rev. Stat.,
c. 106, s. 161,
subs. 1,
amended

(1) Subject to subsection 2, no garnishee summons and no proceedings subsequent to judgment, except an execution against lands, shall be taken or continued against the judgment debtor named therein in a division court in which a consolidation order or a certified copy thereof is filed. Effect
of order

(2) The said section 161 is amended by adding thereto the following subsection: Rev. Stat.,
c. 106, s. 161,
amended

(3) Where a consolidation order has terminated under subsection 2, no further consolidation order shall be made in respect of such judgment debtor for a period of three months from the date of such termination. Stay for
three months

3. This Act may be cited as *The Division Courts Amendment Act, 1955*. Short title

CHAPTER 19

An Act to amend The Election Act, 1951

Assented to March 31st, 1955
Session Prorogued March 31st, 1955

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Election Act, 1951* is amended by adding thereto ^{1951, c. 21, amended} the following section:

24.—(1) In the case of a general election, the Chief ^{Canadian Forces vote} Election Officer shall, when so directed by the Lieutenant-Governor in Council, take the vote of members of the Canadian Forces whose declared residence under *The Canadian Forces Voting Regulations* is in Ontario by a method as near as circumstances permit to that provided in such regulations in force on the 1st day of January, 1955.

(2) Where a vote is directed to be taken under sub-Idem section 1, no member of the Canadian Forces shall vote other than by the method provided by this section.

2.—(1) Subsection 6 of section 58 of *The Election Act, 1951*, as re-enacted by subsection 2 of section 13 of *The Election Amendment Act, 1954*, is amended by striking out the ^{1951, c. 21, s. 58, subs. 6 (1954, c. 25, s. 13, subs. 2), amended} words "and where such a certificate is issued it shall not be necessary for the candidate or his agent to be present at the nomination meeting" in the ninth, tenth and eleventh lines, so that the subsection shall read as follows:

(6) Where the nomination paper is filed with the return- ^{Certificate of R.O. as to regularity of nomination paper} ing officer during the ten days next preceding nomination day or not later than 11 a.m. on nomination day, the returning officer shall then and there examine the paper and if he is satisfied of the regularity thereof he shall so certify in writing, and his certificate shall be final and the validity of the nomination shall not be open to question upon any ground whatsoever.

1951,
c. 21, s. 58,
amended

(2) The said section 58 is amended by adding thereto the following subsection:

Candidate
or agent
need not
attend
nomination
meeting

(8) In no case is it necessary for a candidate or his agent to be present at the nomination meeting.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Election Amendment Act, 1955*.

CHAPTER 20

An Act respecting Judges' Remuneration for Extra-judicial Services

Assented to March 31st, 1955
Session Prorogued March 31st, 1955

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, "judge" means a judge within the meaning of the *Judges Act* (Canada). Interpre-
tation
R.S.C. 1952,
c. 159
2. A judge may act as conciliator, arbitrator, referee or on a commission of inquiry pursuant to any Act of the Legislature or an agreement made thereunder. Extra-
judicial
services
authorized
3. Notwithstanding any statutory provision, regulation, rule, order or agreement, where a judge acts as a conciliator, arbitrator or referee he shall not receive any remuneration for his services other than such transportation and living allowance as the Lieutenant-Governor in Council may fix by general or special order. Remunera-
tion
4. This Act shall be deemed to have come into force on the 1st day of January, 1955. Commence-
ment
5. This Act may be cited as *The Extra-judicial Services Remuneration Act, 1955*. Short title

CHAPTER 21

An Act to amend The Farm Products Marketing Act

*Assented to March 31st, 1955
Session Prorogued March 31st, 1955*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *e* of section 1 of *The Farm Products Marketing Act*, as re-enacted by section 1 of *The Farm Products Marketing Amendment Act, 1954*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 131, s. 1,
cl. *e*
(1954,
c. 29, s. 1),
re-enacted

(*e*) "marketing" means buying, selling and offering for sale and includes advertising, assembling, financing, packing and shipping for sale or storage and transporting in any manner by any person, and "market" and "marketed" have corresponding meanings;

(*ee*) "marketing agency" means a marketing agency designated by the Board in the regulations.

2.—(1) Subsection 1 of section 3 of *The Farm Products Marketing Act*, as amended by section 2 of *The Farm Products Marketing Amendment Act, 1951*, subsections 1 and 2 of section 1 of *The Farm Products Marketing Amendment Act, 1953* and section 2 of *The Farm Products Marketing Amendment Act, 1954*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 131, s. 3,
subs. 1
re-enacted

(1) The Board may,

Authority
of Board

(*a*) investigate, arbitrate, adjudicate upon, adjust or otherwise settle any dispute between producers, processors, distributors or transporters of regulated products or between any two of such classes of persons;

(*b*) investigate the cost of producing, processing and marketing any farm product, prices, price spreads, trade practices, methods of financing, management policies and other matters relating to the marketing of farm products;

(*c*)

- (c) exempt from any order or direction of the Board or a local board or from any agreement or award filed with the Board any class, variety, grade or size of regulated product, or any person or class of persons engaged in the producing or marketing of any regulated product;
- (d) establish in connection with any scheme with respect to a regulated product, negotiating agencies which may adopt or determine by agreement,
 - (i) minimum prices for the regulated product or for any class, variety, grade or size of the regulated product,
 - (ii) terms of purchase and sale for the regulated product,
 - (iii) handling, transporting, storage or selling charges for the regulated product or for any class, variety, grade or size of the regulated product,
 - (iv) conditions and form of contracts for the purchase and sale of the regulated product,

and settle any dispute arising out of any such agreement or any award under clause *e*;

- (e) provide for arbitration of any matter not adopted or determined by agreement under clause *d*;
- (f) require persons engaged in the producing or marketing of a regulated product to register their names, addresses and occupations with the Board or local board, require such persons to furnish such information in regard to the regulated product as the Board or the local board may determine, and inspect the books and premises of such persons;
- (g) require the furnishing of security or proof of financial responsibility by any person engaged in the marketing of a regulated product, and provide for the administration and disposition of any moneys or securities so furnished;

(h)

- (h) except where a marketing agency has been designated for the marketing of a regulated product, prohibit the marketing of any class, variety, grade or size of any regulated product;
- (i) except where a marketing agency has been designated for a regulated product, regulate and control any regulated product;
- (j) stimulate, increase and improve the marketing of farm products by such means as it may deem proper;
- (k) co-operate with a marketing board, a local board or a marketing agency of any other province for the purpose of marketing any regulated product;
- (l) authorize any marketing agency appointed under a scheme to conduct a pool or pools for the distribution of all moneys received from the sale of the regulated product and requiring any such marketing agency, after deducting all necessary and proper disbursements and expenses, to distribute the proceeds of sale in such manner that each person receives a share of the total proceeds in relation to the amount, variety, size, grade and class of the regulated product delivered by him and to make an initial payment on delivery of the product and subsequent payments until the total net proceeds are distributed;
- (m) do such acts and make such orders and directions as are necessary to enforce the due observance and carrying out of the provisions of this Act, the regulations and any scheme.

(2) Subsection 1a of the said section 3, as enacted by sub-
 section 3 of section 1 of *The Farm Products Marketing Amend-ment Act, 1953*, is repealed and the following substituted therefor:

Rev. Stat.,
 c. 131, s. 3,
 subs. 1a
 (1953,
 c. 36, s. 1,
 subs. 3),
 re-enacted

- (1a) Every agreement or award made under clauses *d* Agreements and awards
 and *e* of subsection 1,

- (a) shall be filed forthwith after the making filing
 thereof with the Board, and the Board may,
 by order, declare the agreement or award or
 part thereof to come into force on the day
 it is so filed or on such later day as may be

named

named in the agreement or award and, subject to clause *b*, shall remain in force for the marketing of the regulated product during the crop year, or the production period, as provided in the agreement or award; and

re-negotia-
tion

- (*b*) may, at any time upon the application to the Board of all parties thereto, be re-negotiated in such manner as the Board may determine with respect to any terms of the agreement or the award.

Rev. Stat.,
c. 337
not to apply

- (1*b*) The provisions of *The Regulations Act* do not apply to the filing with the Board of any agreement or award or any order of the Board with respect thereto under subsection 1*a*.

Rev. Stat.,
c. 131, s. 3,
subss. 3, 4,
re-enacted

- (3) Subsections 3 and 4 of the said section 3 are repealed and the following substituted therefor:

Delegation
of powers

- (3) The Board may delegate to a local board such of its powers under subsection 1 as it deems necessary, and may, at any time, terminate such delegation of power.

Regulations
respecting
the filing of
records with
the Board

- (4) The Board may make regulations,
- (*a*) providing for the filing by each local board and marketing agency with the Board of true copies of,
- (i) minutes of all meetings of the local board and the marketing agency,
 - (ii) all orders and directions of the local board,
 - (iii) all reports of annual operations of the local board and the marketing agency,
 - (iv) all annual financial statements and audited reports of the local board and the marketing agency,
 - (v) all agreements made between the local board and the marketing agency, and
 - (vi) such further statements and reports as the Board may require from the local board or the marketing agency;

- (*b*) providing for,

(i)

- (i) the furnishing to producers of a regulated product of copies of the annual statement of operations and the financial report of each local board and marketing agency, and
- (ii) the publication of the annual statement of operations and the financial report of each local board and marketing agency; and
- (c) providing for the manner in which and fixing the times at which, or within which, copies of minutes, orders, directions, reports and statements shall be filed with the Board, furnished to producers or published, as the case may be, under clause *a* or *b*.

3.—(1) Subsection 1 of section 4 of *The Farm Products Marketing Act*, as re-enacted by subsection 1 of section 3 of *The Farm Products Marketing Amendment Act, 1954*, is repealed Rev. Stat., c. 131, s. 4, subs. 1 (1954, c. 29, s. 3, subs. 1), re-enacted and the following substituted therefor:

- (1) Where the Board receives from any group of persons engaged in the production of any farm product in Ontario a petition or request asking that a scheme for the marketing or regulating of the farm product be adopted, the Board may, and upon petition of at least 10 per cent of all producers engaged in the production of that farm product in Ontario or that part of Ontario to which the proposed scheme is to apply shall, submit to a vote of the persons engaged in the production of that farm product in Ontario or in that part of Ontario to which the proposed scheme is to apply, as the case may be, the question of the approval of the scheme. Approval of marketing scheme

(2) Subsection 1c of the said section 4, as enacted by subsection 2 of section 3 of *The Farm Products Marketing Amendment Act, 1954*, is repealed and the following substituted therefor: Rev. Stat., c. 131, s. 4, subs. 1c (1954, c. 29, s. 3, subs. 2), re-enacted

- (1c) Where the Board receives from producers a petition or request for the revocation of the scheme under which a regulated product is marketed and the Board is of the opinion that such producers represent at least 10 per cent of all of the producers engaged in the production of the regulated product, the Board shall submit to a vote of the persons engaged in the production of the regulated product the question of the revocation of the scheme. Request from producers for revocation of scheme

Request by
local board
for revoca-
tion of
scheme

- (1d) Where a local board requests an amendment to an existing scheme or an amendment to regulations with respect to the marketing of the regulated product under the scheme, the Board may require a vote of the persons engaged in the production of the regulated product to be taken on the amendment requested.

Re-sub-
mission of
scheme
for vote

- (1e) Where the Board, for any reason that it deems sufficient, is of the opinion that an existing scheme should be re-submitted to a vote of the producers, it may re-submit the existing scheme to a vote of the producers engaged in the production of the regulated product under the scheme.

Rev. Stat.,
c. 131, s. 4,
subs. 2, cl. b,
re-enacted

- (3) Clause *b* of subsection 2 of the said section 4 is repealed and the following substituted therefor:

- (b) notwithstanding subsection 1d, amend any approved scheme as he may deem proper.

Rev. Stat.,
c. 131, s. 4,
subs. 2, cl. c
(1951,
c. 25, s. 3),
re-enacted

- (4) Clause *c* of subsection 2 of the said section 4, as enacted by section 3 of *The Farm Products Marketing Amendment Act, 1951*, is repealed and the following substituted therefor:

1953, c. 19

- (c) give to any local board any or all of the powers set out in sections 22 and 287 of *The Corporations Act, 1953*.

Rev. Stat.,
c. 131, s. 4,
amended

- (5) The said section 4 is amended by adding thereto the following subsection:

Members of
local board

- (4) The method by which the members of any local board shall be appointed, elected or chosen shall be set out in the scheme under which the local board is established.

Rev. Stat.,
c. 131,
amended

4. *The Farm Products Marketing Act* is amended by adding thereto the following section:

Production
of records

- 4a.—(1) Every person, when requested so to do by an officer of the Board or a local board, shall produce copies of and extracts from any books, shipping bills, bills of lading and other records relating to any regulated product.

Obstruction
of officers

- (2) No person shall hinder or obstruct an officer of the Board or a local board in the performance of his duties, or refuse to permit him to carry out his duties, or furnish him with false information.

5. Section 5 of *The Farm Products Marketing Act*, as amended by section 4 of *The Farm Products Marketing Amendment Act, 1954*, is further amended by inserting after the words "local board" in the fourth line the words "or of any marketing agency", so that the section shall read as follows:

5. Every person who violates any of the provisions of this Act or the regulations, or of any scheme declared to be in force under this Act, or any order or direction of the Board or of any local board or of any marketing agency, or of any agreement or award filed with the Board, shall be guilty of an offence and on summary conviction shall be liable to a penalty of not more than \$50 and for a subsequent offence to a penalty of not less than \$50 and not more than \$500.

6. Subsection 2 of section 6 of *The Farm Products Marketing Act*, as re-enacted by section 5 of *The Farm Products Marketing Amendment Act, 1954*, is repealed and the following substituted therefor:

- (2) The penalties imposed under this section shall be paid to the local board, and the local board may,
 - (a) distribute the money received as a penalty for failure to pay at least the minimum price established in the agreement or award *pro rata* among the persons who failed to receive at least the minimum price; or
 - (b) use the money to stimulate, increase and improve the marketing of the regulated product.

7. Subsection 1 of section 7 of *The Farm Products Marketing Act*, as amended by section 4 of *The Farm Products Marketing Amendment Act, 1951* and section 6 of *The Farm Products Marketing Amendment Act, 1954*, is repealed and the following substituted therefor:

- (1) The Board may make regulations generally or with respect to any regulated product,
 - (a) providing for the licensing by the Board or the local board of any and all persons before commencing or continuing in the producing, marketing or processing of a regulated product;

(b)

- (b) prohibiting persons from engaging in the producing, marketing or processing of any regulated product except under the authority of a licence issued by the Board or the local board;
- (c) providing for the refusal to grant a licence for any reason which the Board or the local board may deem sufficient;
- (d) providing for the suspension or revocation of or the refusal to renew a licence by the Board or a local board for failure to observe, perform or carry out any of the provisions of this Act, the regulations, any scheme or any order or direction of the Board or local board or marketing agency, subject to
 - (i) the right of any person whose licence was suspended or revoked or was not renewed to appear before the Board or the local board to show cause why such licence should not be suspended or revoked or why such renewal should not be refused, as the case may be,
 - (ii) in the case of suspension or revocation of or refusal to renew a licence by a local board, the right of the person to appear before the Board, which may affirm the action of the local board or require the local board to restore or renew the licence;
- (e) providing for the fixing by the Board of licence fees payable yearly, half-yearly, quarterly or monthly at different amounts or in instalments from any or all persons producing or marketing the regulated product and the collecting of the licence fees by the local board, and the recovering of such licence fees by suit in any court of competent jurisdiction;
- (f) providing that any class of licence fees payable to a local board shall be used by it for the purpose of carrying out and enforcing this Act, the regulations and the scheme under which the local board is established;
- (g) prescribing the form of licences;

(h)

- (h) providing for the exemption from the regulations under any scheme of any class, variety, grade or size of regulated product, or any person or class of persons engaged in the producing or marketing of the regulated product or any class, variety, grade or size of regulated product;
- (i) prescribing the manner of taking votes of persons engaged in the production of farm products and the percentages of votes required under section 4;
- (j) providing for the making of returns or the furnishing of information by any person licensed under this Act;
- (k) providing for the carrying out of any scheme of marketing declared by the Lieutenant-Governor in Council to be in force;
- (l) designating any article of food or drink manufactured or derived in whole or in part from a farm product and designating any natural product of agriculture which shall be deemed to be a farm product;
- (m) upon the recommendation of the local board, designating a marketing agency through which a regulated product shall be marketed and requiring the regulated product to be marketed through the marketing agency;
- (n) providing for the revocation of appointment of a marketing agency designated under clause *m*, and, upon the recommendation of the local board, the designation of a marketing agency for the regulated product to act in its stead;
- (o) where a marketing agency is designated for a regulated product, authorizing the marketing agency,
 - (i) to direct and control, by order or direction, the marketing of the regulated product including the times and places at which the regulated product may be marketed,

(ii)

- (ii) to determine the quantity, grade and class of the regulated product that shall be marketed by each producer,
- (iii) to prohibit the marketing of any class, variety, grade or size of the regulated product,
- (iv) to fix from time to time the price or prices that shall be paid to producers for the regulated product or any class, variety, grade or size of the regulated product and to fix different prices for different parts of Ontario,
- (v) to impose such service charges as may from time to time be fixed by the local board for the marketing of the regulated product,
- (vi) to pay to the local board from service charges imposed under subclause v its expenses in carrying out the purposes of the scheme,
- (vii) to require the price or prices to be paid to the producer for the regulated product to be forwarded to the marketing agency,
- (viii) to collect from any person by suit in any court of competent jurisdiction the price or prices of the regulated product owing to the producer;
- (p) providing that a local board may, from time to time, fix service charges to be imposed by a marketing agency for the marketing of the product regulated by the scheme under which the local board is established;
- (q) providing for the payment to producers by a marketing agency of the price or prices for the regulated product less service charges imposed under subclause v of clause o;
- (r) providing for the times at which or within which a marketing agency shall pay producers for the regulated product marketed;

- (s) providing for statements to producers showing the class, variety, grade or size and the number or quantity of the regulated product marketed, the price or prices paid and the particulars of the service charges imposed by the marketing agency;
- (t) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

8. The Board may by order declare that all or any schemes heretofore approved, regulations heretofore made, orders and directions of the Board and of local boards and agreements and awards filed with the Board under *The Farm Products Marketing Act* that are in effect on the day this Act comes into force shall be deemed to have been made under *The Farm Products Marketing Act* as amended by this Act.

Continuation
of schemes,
regulations,
orders,
directions,
agreements
and awards

9. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

10. This Act may be cited as *The Farm Products Marketing Amendment Act, 1955*.

Short title

CHAPTER 22

An Act to amend The Fire Departments Act

Assented to March 31st, 1955
Session Prorogued March 31st, 1955

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 6 of *The Fire Departments Act* is amended by adding thereto the following subsection: Rev. Stat.,
c. 138, s. 6,
amended

- (4) Where a difference arises between the parties relating to the interpretation, application or administration of an agreement made under section 4 or of a decision or award of a board of arbitration made under section 5, or where an allegation is made that the agreement or award has been violated, either of the parties may, after exhausting any grievance procedure established by the agreement, notify the other party in writing of its desire to submit the difference or allegation to arbitration, and if the recipient of the notice and the party desiring the arbitration do not within ten days agree upon a single arbitrator, the appointment of a single arbitrator shall be made by the Attorney-General upon the request of either party, and the arbitrator shall hear and determine the difference or allegation and shall issue a decision and such decision is final and binding upon the parties. Single
arbitrator

2. This Act may be cited as *The Fire Departments Amend-ment Act, 1955*. Short title

CHAPTER 23

An Act respecting the Inspection of Fish

Assented to March 31st, 1955
Session Prorogued March 31st, 1955

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "container" means any receptacle or package used in holding, storing, packing or marketing fish;
- (b) "establishment" means any place where fish are handled, graded, processed or stored;
- (c) "fish" means any fish, including shellfish and crustaceans and marine animals and any parts, products or by-products thereof;
- (d) "inspector" means a person appointed by the Minister for the purposes of this Act;
- (e) "marketing" means buying, selling, holding in possession, or offering or advertising for sale;
- (f) "Minister" means Minister of Lands and Forests;
- (g) "processing" means cleaning, filleting, smoking, salting, icing, packing, freezing, cooking, pickling, drying or otherwise preparing fish for market;
- (h) "regulations" means regulations made under this Act;
- (i) "vehicle" includes any steamship, vessel, boat, railway-car, truck, carriage, car, aircraft and any other means of carriage used for transporting fish.

2.—(1) An inspector may at any time,

Powers of
inspector

- (a) enter any establishment or vehicle used for the storage or carriage of fish and open any container that he has reason to believe contains fish;

(b)

(b) require to be produced for inspection or for the purpose of obtaining copies thereof, or extracts therefrom, any books, shipping bills, bills of lading or other documents or papers relating to the processing, transporting or marketing of fish; or

(c) take samples of fish for inspection.

Obstruction

(2) No person shall obstruct or impede an inspector in the discharge of his duties under this Act.

Appeal

3. Any person who thinks himself aggrieved by a decision of an inspector in respect of any matter under this Act or the regulations may appeal to the Minister in accordance with the procedure prescribed by the regulations.

Seizure of
fish and
containers

4.—(1) Whenever an inspector believes on reasonable grounds that an offence against this Act or the regulations has been committed, he may seize all fish and containers by means of or in relation to which he reasonably believes the offence was committed.

Detention
of fish and
containers

(2) All fish and containers seized under subsection 1 may be detained for a period of two months following the day of seizure, unless during that period proceedings under this Act in respect of such fish and containers are taken, in which case the fish and containers may be further detained until such proceedings are finally concluded.

Disposal of
fish seized

(3) Where a person is convicted of an offence against this Act or the regulations, any fish or containers seized under subsection 1 are forfeited to Her Majesty and may be disposed of as the Minister directs.

Falsification,
etc., of
documents

5.—(1) No person shall falsify or unlawfully alter, destroy, erase or obliterate any document made or issued under this Act or the regulations, or any marks placed on any container pursuant to this Act or the regulations.

Penalty

(2) Every person who violates subsection 1 is guilty of an offence and is liable on summary conviction to a fine of not less than \$50 and not more than \$500, or to imprisonment for a term of not less than two months and not more than six months, or to both fine and imprisonment.

Fish for
sale to be
fit for
human food

6.—(1) No person shall sell, offer for sale, or hold in possession for sale, any fish intended for human consumption unless the fish is wholesome and fit for human food.

Penalty

(2) Every person who violates subsection 1 is guilty of an offence and is liable on summary conviction to a fine of not

less

less than \$100 and not more than \$500, or to imprisonment for a term of not less than three months and not more than six months, or to both fine and imprisonment.

7. No person shall sell, offer for sale, or hold in possession for sale, any fish or container under any name calculated to mislead or deceive. Sale or possession under misleading name

8. Every person who violates any of the provisions of this Act or of the regulations or any condition attached to any licence issued under this Act or the regulations for which no penalty is elsewhere provided in this Act or the regulations is guilty of an offence and is liable on summary conviction to a fine of not more than \$500, or to imprisonment for a term of not more than six months, or to both fine and imprisonment. General penalty

9. Every offence against this Act or the regulations and every violation of any of the conditions of any licence issued under this Act or the regulations, for the purposes of any prosecution, shall be deemed to have been committed, and every cause of complaint under this Act or the regulations or any of the conditions of any licence issued under this Act or the regulations shall be deemed to have arisen in the place where the offence was actually committed or the place where it was first discovered by an inspector or the place where the defendant resides or is found. Where offences deemed to have been committed

10. The Lieutenant-Governor in Council may provide for the disposition of fines imposed for contraventions of this Act or the regulations and for the disposition of any proceeds from the sale of forfeited fish or containers. Disposal of fines, etc.

11. The Minister, in any licence, may impose such terms and conditions as he deems proper and that are not inconsistent with this Act or the regulations. Consideration of licences

12. The Lieutenant-Governor may by proclamation declare any regulations heretofore or hereafter made under the *Fish Inspection Act* (Canada), in so far as they are within the exclusive legislative jurisdiction of the Province, to have the force of law therein, and upon the issue of such proclamation the regulations therein referred to, in so far as they are within the exclusive legislative jurisdiction of the Province, shall have the force of law therein as if enacted by the Legislature. Adoption of regulations under R.S.C. 1952, c. 118

13. The Lieutenant-Governor in Council may, for the purpose of regulating the marketing of fish and containers locally within the Province, make regulations, Regulations

(a) prescribing grades, qualities and standards of fish for marketing:

(b)

- (b) respecting the handling, processing, storing, grading, packaging, marking, transporting and inspecting of fish;
- (c) respecting the quality and specifications for containers and the marking and inspecting of containers;
- (d) requiring and providing for the licensing of establishments and persons handling, processing, storing, grading, transporting or marketing fish, and prescribing and attaching conditions to licences;
- (e) prescribing fees for licences, and for grading and inspection services;
- (f) prescribing the requirements for the equipment and sanitary operation of establishments, and of vehicles used in connection with an establishment or in connection with fishing or the marketing of fish;
- (g) prohibiting the marketing of any fish or containers under any grade name or standard prescribed by the regulations unless all the requirements of this Act and the regulations thereunder with respect thereto have been complied with;
- (h) prescribing the manner in which samples of any fish may be taken;
- (i) prescribing the procedure to be followed in any appeal to the Minister under this Act;
- (j) providing for any other thing connected with the marketing or inspection of fish and containers locally within the Province.

Commence-
ment

14. This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

15. This Act may be cited as *The Fish Inspection Act, 1955*.

CHAPTER 24

An Act to amend The Forest Fires Prevention Act

Assented to March 31st, 1955
Session Prorogued March 31st, 1955

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Forest Fires Prevention Act* is amended by adding thereto the following clause: Rev. Stat.,
c. 144, s. 1,
amended

(cc) "forest travel permit area" means such parts of Ontario as are declared to be forest travel permit areas under section 9.

(2) Clause *i* of the said section 1, as re-enacted by subsection 2 of section 1 of *The Forest Fires Prevention Amendment Act, 1952*, is repealed. Rev. Stat.,
c. 144, s. 1,
cl. *i*
(1952, c. 31,
s. 1, subs. 2),
repealed

2. Section 9, as re-enacted by section 3 of *The Forest Fires Prevention Amendment Act, 1952* and amended by section 3 of *The Forest Fires Prevention Amendment Act, 1953*, and section 10 of *The Forest Fires Prevention Act* are repealed and the following substituted therefor: Rev. Stat.,
c. 144, s. 9
(1952, c. 31,
s. 3): s. 10,
re-enacted

FOREST TRAVEL PERMITS

9.—(1) The Lieutenant-Governor in Council may declare parts of Ontario that are within one or more fire districts to be forest travel permit areas. Creation of
forest travel
permit areas
repealed

(2) Upon application, an officer may issue, without charge and on such terms and conditions as he deems proper, a permit called a forest travel permit authorizing the permittee to enter and travel about during a fire season in a forest travel permit area or such part thereof as is designated in the permit. Issue of
forest travel
permits

(3) Notwithstanding subsection 3 of section 7, an officer, under the terms and conditions of a forest travel permit, may prohibit the permittee from setting out fire for the purpose of cooking or obtaining warmth. Setting out
fires

(4)

Travel
prohibited
except under
permit

- (4) No person shall enter and travel about in a forest travel permit area during a fire season except under and in accordance with the terms and conditions of his forest travel permit and in accordance with the regulations.

Duration

- 10.—(1) A forest travel permit may be limited as to duration but in any event expires on the 31st day of March next following the date of its issue.

Cancell-
ation and
suspension

- (2) A forest travel permit may be cancelled or suspended at any time by an officer, and immediately upon receiving notice of such cancellation or suspension the permittee shall extinguish any fire set by him and leave the forest travel permit area.

Commence-
ment

- 3.** This Act comes into force on the day it receives Royal Assent.

Short title

- 4.** This Act may be cited as *The Forest Fires Prevention Amendment Act, 1955*.

CHAPTER 25

An Act to amend The Game and Fisheries Act

Assented to March 31st, 1955
Session Prorogued March 31st, 1955

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) *The Game and Fisheries Act* is amended by adding thereto the following section: Rev. Stat.,
c. 153,
amended

24a. Where a township is authorized under clause g of section 77 to issue and charge fees for licences to hunt, during the open season, pheasants, rabbits and foxes, and, with the approval of the Minister, to limit the number of such licences, the council of any such township may pass by-laws for issuing licences to hunt during the open season pheasants, rabbits and foxes and to charge fees therefor, and, with the approval of the Minister, to limit the number of such licences. Township
by-law

(2) Any by-law passed by any township authorized under clause g of section 77 before the coming into force of this Act is not invalid by reason of it having been so passed. Idem

2. Subsection 3 of section 28 of *The Game and Fisheries Act* is amended by striking out the words "rabbit and squirrel" in the second and third lines and inserting in lieu thereof the words "fox, rabbit, raccoon, skunk and squirrel", so that the subsection shall read as follows: Rev. Stat.,
c. 153, s. 28,
subs. 3,
amended

(3) The Lieutenant-Governor in Council may prescribe the royalty payable under this section, and may exempt fox, rabbit, raccoon, skunk and squirrel from subsections 1 and 2. Amount of
royalty

3. Section 43 of *The Game and Fisheries Act*, as amended by section 11 of *The Game and Fisheries Amendment Act, 1951*, is repealed and the following substituted therefor: Rev. Stat.,
c. 153, s. 43,
re-enacted

43. No person shall sell or purchase any deer, moose or caribou or expose any of them on any commercial premises, Purchase or
sale of
deer, moose
or caribou
prohibited

premises, and no restaurant, camp, boarding-house, hotel or club shall mention on a bill of fare or serve any of them.

Propagation
or sale of
birds

43a. No person shall propagate or sell any bird mentioned in section 37 except under the authority of a licence issued on such terms and conditions as the Lieutenant-Governor in Council may prescribe.

Rev. Stat.,
c. 153, s. 77,
amended

4.—(1) Section 77 of *The Game and Fisheries Act* is amended by adding thereto the following clause:

(qq) designating parts of Ontario in which hunting on Crown lands therein may be regulated, and limiting and regulating the number of hunters that may hunt at any time and the hours during which hunting may be carried on, and prescribing the fees that may be charged for the use of blinds, decoys, punts, skiffs, canoes and other appliances and things supplied by the Department in connection therewith.

Rev. Stat.,
c. 153, s. 77,
cl. s, re-
enacted

(2) Clause s of the said section 77 is repealed and the following substituted therefor:

(s) governing or prohibiting the sale of or traffic in any bird mentioned in section 37, prescribing the fees payable for a seal, tag or other means of identification that is furnished by the Department to the holder of a licence to sell any such bird, and requiring such holder to use such seal, tag or other means of identification in the manner prescribed by the regulations.

Short title

5. This Act may be cited as *The Game and Fisheries Amendment Act, 1955*.

CHAPTER 26

An Act to amend The Gasoline Handling Act

Assented to March 31st, 1955
Session Prorogued March 31st, 1955

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of section 1 of *The Gasoline Handling Act* Rev. Stat., c. 156, s. 1, cl. *b*, amended is amended by striking out the words "Minister of Highways" and inserting in lieu thereof the words "Treasurer of Ontario", so that the clause shall read as follows:

(*b*) "Minister" means Treasurer of Ontario.

2. Section 6 of *The Gasoline Handling Act* is amended by Rev. Stat., c. 156, s. 6, amended striking out the words "Department of Highways" in the fifth line and inserting in lieu thereof the words "Treasury Department", so that the section shall read as follows:

6. When gasoline is shipped from a place out of Ontario Returns of persons receiving importations of gasoline to a place within Ontario, by means of a carrier, the person receiving the gasoline in Ontario shall obtain and retain the bill of lading issued for the shipment and show it to any officer of the Treasury Department having general charge of the carrying out of this Act and the regulations, on his request, provided that the inspection shall be made within two years from the receiving of the gasoline, and when the shipment is made by land or water by means of a conveyance belonging to or controlled by the shipper or by the consignee, the person receiving the gasoline in Ontario shall state in his return to the Minister the means of conveyance, the points of shipment and destination, and if the shipment is made by water, the name of the vessel in which it is made.

3. Section 10 of *The Gasoline Handling Act* is amended Rev. Stat., c. 156, s. 10, amended by striking out the words "Department of Highways" in the first line and inserting in lieu thereof the words "Treasury Department", so that the section, exclusive of the clauses, shall read as follows:

Inspection

10. Every officer of the Treasury Department having general charge of the carrying out of this Act and the regulations, and every inspector and any other person specially authorized by the Minister, may,

.

Commence-
ment

4. This Act comes into force on the 1st day of April, 1955.

Short title

5. This Act may be cited as *The Gasoline Handling Amendment Act, 1955*.

CHAPTER 27

An Act to amend The Gasoline Tax Act

*Assented to March 31st, 1955
Session Prorogued March 31st, 1955*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of section 1 of *The Gasoline Tax Act* is amended ^{Rev. Stat., c. 157, s. 1,} by striking out the words "Minister of Highways" and ^{cl. *b*,} inserting in lieu thereof the words "Treasurer of Ontario", ^{amended} so that the clause shall read as follows:

(*b*) "Minister" means Treasurer of Ontario.

2. This Act comes into force on the 1st day of April, 1955. ^{Commence-}
^{ment}

3. This Act may be cited as *The Gasoline Tax Amendment Act, 1955*. ^{Short title}

CHAPTER 28

An Act to amend The Highway Improvement Act

*Assented to March 31st, 1955
Session Prorogued March 31st, 1955*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 17 of section 28 of *The Highway Improvement Act*, as re-enacted by section 2 of *The Highway Improvement Amendment Act, 1951* and amended by subsection 3 of section 6 of *The Highway Improvement Amendment Act, 1952*, is further amended by striking out the words "equal to 50 per cent" in the ninth line and inserting in lieu thereof the words "not exceeding 80 per cent", so that the subsection shall read as follows:

Rev. Stat.,
c. 166, s. 28
(1951,
c. 33, s. 2),
subs. 17,
amended

- (17) The part of the cost of the construction or maintenance and repair of such culvert or bridge which is borne and paid by the county under the agreement shall be deemed to be properly chargeable to the county road system and may be included in the statement of expenditures submitted to the Minister by the county under this Act, and the Minister may direct payment to the county treasurer out of the moneys appropriated therefor by the Legislature of an amount not exceeding 80 per cent thereof.

Subsidy to
county

2. Section 58 of *The Highway Improvement Act* is amended by adding thereto the following subsection:

Rev. Stat.,
c. 166, s. 58,
amended

- (2a) Notwithstanding subsection 2, in the case of a town not being a separated town or of a village, the Minister may direct payment to the treasurer of the town or village out of the moneys appropriated therefor by the Legislature of an amount not exceeding 80 per cent of the expenditure on a bridge or culvert which is properly chargeable to road improvement.

Subsidy to
town or
village on
bridge or
culvert

3. *The Highway Improvement Act* is amended by adding thereto the following section:

Rev. Stat.,
c. 166,
amended

Contribution
of county
under s. 28a
may be in-
cluded in
statement
for subsidy

- 61a. Notwithstanding section 61, any contribution made by a county under section 28a towards the construction, improvement, maintenance and repair of roads or streets, other than county roads or county road extensions or connecting links, in an urban municipality not separated from the county may be included in the statement submitted to the Minister under section 58 for the purpose of determining the grant payable to the urban municipality under this Part, and where such contribution is in the form of work carried out by the county, the value of such work as certificated by the county road superintendent may be so included.

Rev. Stat.,
c. 166, s. 78,
amended

- 4.—(1) Section 78 of *The Highway Improvement Act* is amended by adding thereto the following subsection:

Idem,
cities and
separated
towns

- (5a) Where it is deemed by the Minister desirable and expedient, an agreement may be entered into with the corporation of a city or of a separated town for the construction by the municipality or by the Department of any highway therein which is a connecting link or extension of the King's Highway.

Rev. Stat.,
c. 166, s. 78,
subs. 6, re-
enacted

- (2) Subsection 6 of the said section 78, as amended by section 18 of *The Highway Improvement Amendment Act, 1952*, is repealed and the following substituted therefor:

Cost of
work

- (6) The agreement may provide that a proportion of the cost of the work shall be paid out of the moneys appropriated therefor by the Legislature and the remainder shall be borne and paid by the city, town or village, but the proportion which shall be paid out of the moneys appropriated therefor by the Legislature shall not exceed,

(a) in the case of a town or village having a population of not more than 2,500, a sum equal to the cost of a width of roadway not less than 22 feet nor more than the width of the roadway on the King's Highway approaching the town or village where such width exceeds 22 feet;

(b) in the case of a town or village having a population of more than 2,500, a sum equal to 50 per cent of the cost of a width of roadway not less than 22 feet nor more than 33 feet; and

(c)

- (c) in the case of a city or separated town, a sum equal to 50 per cent of the cost of a width of roadway not less than 22 feet nor more than 33 feet.

5. Section 83 of *The Highway Improvement Act* is amended by adding thereto the following subsection: Rev. Stat., c. 166, s. 83, amended

- (2a) Any person who violates any of the provisions of subsection 2 is guilty of an offence and on summary conviction is liable to a penalty of not less than \$10 per tree and not more than \$100 per tree, payable to the Department. Penalty

6. *The Highway Improvement Act* is amended by adding thereto the following section: Rev. Stat. c. 166, amended

- 94a. The Minister and any municipality may enter into agreements for the establishment, construction and apportionment of the cost of roads within the municipality for the purpose of providing means of access to a controlled-access highway at a point where access is permitted. Service roads

7.—(1) This Act, except sections 1, 2 and 3, comes into force on the day it receives Royal Assent. Commencement

(2) Sections 1, 2 and 3 shall be deemed to have come into force on the 1st day of January, 1955. Idem

8. This Act may be cited as *The Highway Improvement Amendment Act, 1955*. Short title

CHAPTER 29

An Act to amend The Highway Traffic Act

Assented to March 31st, 1955
Session Prorogued March 31st, 1955

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 10 of *The Highway Traffic Act*, as amended by section 5 of *The Highway Traffic Amendment Act, 1951*, is further amended by striking out the figures "200" in the tenth line and inserting in lieu thereof the figures "500", so that the subsection shall read as follows: Rev. Stat.,
c. 167, s. 10,
subs. 1,
amended

- (1) Whenever on a highway after dusk and before dawn, Lamps every motor vehicle shall carry three lighted lamps in a conspicuous position, one on each side of the front which shall cast a white, green or amber coloured light only, and one on the back of the vehicle which shall cast from its face a red light only, except in the case of a motorcycle without a side car, which shall carry one lamp on the front which shall cast a white light only and one on the back of the vehicle which shall cast from its face a red light only, and any lamp so used shall be clearly visible at a distance of at least 500 feet from the front or rear, as the case may be.

(2) Subsection 2 of the said section 10 is amended by striking out the figures and word "200 hundred" in the seventh line and inserting in lieu thereof the figures "300", so that the subsection shall read as follows: Rev. Stat.,
c. 167, s. 10,
subs. 2,
amended

- (2) Lamps on the front of a motor vehicle shall be so Driving
lights constructed, located, arranged and adjusted that when lighted as required by subsection 1 they produce under normal atmospheric conditions and on a level road a driving light sufficient to render clearly discernible to the operator of the motor vehicle any person or vehicle on the highway within a distance of 300 feet ahead of the motor vehicle.

(3)

Rev. Stat.,
c. 167, s. 10,
subs. 5,
amended

(3) Subsection 5 of the said section 10 is amended by striking out the figures "200" in the eleventh line and inserting in lieu thereof the figures "500", so that the subsection shall read as follows:

Clearance
lamps
required
on wide
vehicles

(5) Whenever on a highway after dusk and before dawn, every motor vehicle and every trailer having a width at any part in excess of 80 inches shall carry in addition to the lamps required by subsection 1, two clearance lamps, one of which shall be located at the front of the vehicle and shall display a green light, and the other of which shall be located at the rear of the vehicle and shall display a red light, and the Department may by regulation permit a reflector, approved by the Department, to be displayed in lieu of a clearance lamp on the rear of a vehicle, and any lamp or reflector so used shall be clearly visible at a distance of at least 500 feet from the front or rear as the case may be, and shall be affixed within six inches of the extreme left side of the vehicle.

Rev. Stat.,
c. 167, s. 10,
subs. 10,
re-enacted

(4) Subsection 10 of the said section 10 is repealed and the following substituted therefor:

Bicycles
and
tricycles,
lights on,
etc.

(10) Whenever on a highway after dusk and before dawn, every bicycle or tricycle shall carry on the front thereof a white or amber lighted lamp and on the back thereof a red lighted lamp or reflector approved by the Department, and in addition there shall be placed on the front forks thereof white reflective material, and on the back thereof red reflective material covering a surface of not less than ten inches in length and one inch in width.

Rev. Stat.,
c. 167, s. 10,
amended

(5) The said section 10 is amended by adding thereto the following subsection:

Lights on
vehicles,
objects and
contrivances
over 96
inches in
width

(20a) Whenever on a highway after dusk and before dawn, every vehicle, and every object or contrivance drawn by a vehicle, having a width at any part in excess of 96 inches, shall carry at the rear two lamps displaying red lights or two red reflectors, one of which shall be affixed as nearly as possible to the extreme left side and one as nearly as possible to the extreme right side of the vehicle and such lamps or reflectors shall be clearly visible at a distance of at least 500 feet from the rear of the vehicle.

Rev. Stat.,
c. 167, s. 10,
subs. 22,
re-enacted

(6) Subsection 22 of the said section 10 is repealed and the following substituted therefor:

(22) Subject to subsection 23, every vehicle other than a motor vehicle or a bicycle or tricycle, when on a highway after dusk and before dawn, shall carry in a conspicuous position on the left side thereof a lighted lamp showing white to the front and red to the rear or a lighted lamp showing white to the front and a lighted lamp showing red to the rear, and any lamp so used shall be clearly visible at a distance of at least 500 feet from the front and from the rear of the vehicle.

Lights on
all vehicles

(22a) Every farm tractor and every self-propelled unit of farm equipment or implement of husbandry equipped with an electric lighting system when on a highway after dusk and before dawn shall carry the lighted lamps required for motor vehicles under subsection 1.

Lights on
farm
tractors

(22b) On and after the 1st day of January, 1956, no person shall sell a new motor vehicle other than a motorcycle unless it is equipped with mechanical or electrical signalling devices that comply with clauses g and h of subsection 1 of section 41.

Signalling
devices
required on
new motor
vehicles

(22c) On and after the 1st day of July, 1956, every motor vehicle or combination of motor vehicle and trailer having a width at any part in excess of 80 inches or having a length in excess of 20 feet shall be equipped with mechanical or electrical signalling devices that comply with clauses g and h of subsection 1 of section 41.

Signalling
devices
required on
trucks,
buses, etc.

2. *The Highway Traffic Act* is amended by adding thereto the following sections:

Rev. Stat.,
c. 167,
amended

16a.—(1) No person shall drive a motor vehicle upon a highway with any sign, poster, or other non-transparent material or object placed on the windshield or on any window of such motor vehicle in such manner as will obstruct the driver's view of the highway or any intersecting highway.

Signs, etc.,
on windows
obstructing
view
prohibited

(2) This section does not prevent the use of signs or markers required under this Act or any regulations made under this Act.

Signs, etc.,
required
by Act or
regulations

.

20b. When a used motor vehicle is sold by a dealer in used motor vehicles, the dealer shall deliver to the purchaser

Dealer's
certificate of
mechanical
fitness

chaser

chaser at the time of the sale a certificate of mechanical fitness signed by the dealer indicating whether or not the motor vehicle is in a safe condition to be operated upon a highway.

Rev. Stat.,
c. 167, s. 28,
subs. 2
(1954, c. 35,
s. 5, subs. 2),
amended

3.—(1) Subsection 2 of section 28 of *The Highway Traffic Act*, as re-enacted by subsection 2 of section 5 of *The Highway Traffic Amendment Act, 1954*, is amended by striking out the words “or village” in the first line and inserting in lieu thereof the words “village or township”, so that the subsection shall read as follows:

in public
parks

(2) The council of a city, town, village or township and the trustees of a police village may by by-law prescribe a lower rate of speed for motor vehicles driven in any public park or exhibition ground than is prescribed in subsection 1, but such lower rate of speed shall not be less than 15 miles per hour.

Rev. Stat.,
c. 167, s. 28,
amended

(2) The said section 28 is amended by adding thereto the following subsection:

in provincial
parks

(3a) The Lieutenant-Governor in Council may prescribe a lower rate of speed for motor vehicles driven in any provincial park.

Rev. Stat.,
c. 167, s. 29,
re-enacted

4. Section 29 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Careless
driving

29.—(1) Every person is guilty of the offence of driving carelessly who drives a vehicle on a highway without due care and attention or without reasonable consideration for other persons using the highway and shall be liable to a penalty of not less than \$10 and not more than \$500 or to imprisonment for a term of not more than three months, and in addition his licence or permit may be suspended for a period of not more than one year.

Crowding
driver's
seat

(2) Driving a motor vehicle with persons or property in the front or driver's seat so placed as to interfere with the proper management or control of the vehicle by the driver shall be deemed to be driving carelessly within the meaning of this section.

Rev. Stat.,
c. 167, s. 34,
subs. 2, 3,
re-enacted

5. Subsections 2 and 3 of section 34 of *The Highway Traffic Act* are repealed and the following substituted therefor:

Restriction
on weight
of vehicle
and load on
Class A
Highway

(2) Unless a special permit has been issued pursuant to section 35, no vehicle having a gross weight in excess

of the following shall be moved upon wheels, rollers or otherwise over or upon a Class A Highway:

- (a) The gross weight of a vehicle other than those mentioned in clauses *b*, *c* and *d* shall not exceed 28,000 pounds and the weight upon one axle shall not exceed 18,000 pounds, and if axles are spaced less than eight feet apart the weight on one axle shall not exceed 14,000 pounds. As to weight of other vehicles
 - (b) The gross weight of a vehicle of three axles so designed that under any loading conditions the ratio of the weight on the middle axle to the weight on the rear axle remains constant shall not exceed 38,000 pounds and the weight on one axle shall not exceed 16,000 pounds. As to weight upon three axles
 - (c) When a conversion-unit consisting of a single axle designed to convert a two-axle vehicle into a three-axle vehicle as described in clause *b* is used with or attached to a two-axle vehicle, the gross weight of such converted two-axle vehicle shall not exceed 38,000 pounds. As to weight of conversion-unit and two-axle vehicle
 - (d) The gross weight of a vehicle equipped wholly or in part with non-pneumatic tires shall not exceed 16,000 pounds and the weight upon one axle shall not exceed 12,000 pounds. As to weight on non-pneumatic tires
 - (e) The gross weight of a semi-trailer with two axles so designed that under any loading conditions the weight on both axles remains constant shall not exceed 28,000 pounds. As to weight of two-axled semi-trailers
- (3) Unless a special permit has been issued pursuant to section 35, no vehicle having a gross weight in excess of the following shall be moved upon wheels, rollers or otherwise over or upon a Class B Highway: Restrictions as to Class B Highway
- (a) The gross weight of a vehicle shall not exceed 22,000 pounds and the weight upon one axle shall not exceed 16,000 pounds, and if axles are spaced less than eight feet apart the weight on one axle shall not exceed 10,000 pounds. As to weight of vehicle and load

6.—(1) Subsection 1 of section 41 of *The Highway Traffic Act*, as amended by subsection 1 of section 6 of *The Highway Traffic Amendment Act, 1954*, is further amended by adding at the commencement thereof the words "Subject to clause *a* of subsection 3", so that the subsection, exclusive of the clauses, shall read as follows: Rev. Stat., c. 167, s. 41, subs. 1, amended

Right-of-
way

- (1) Subject to clause *a* of subsection 3, where two persons in charge of vehicles or on horseback approach a crossroad or intersection, or enter an intersection, at the same time, the person on the left of the other vehicle or horseman shall yield the right-of-way to the person on the right.

Rev. Stat.,
c. 167, s. 41,
subs. 3, cl. *a*,
re-enacted

- (2) Clause *a* of subsection 3 of the said section 41 is repealed and the following substituted therefor:

- (*a*) The driver or operator of a vehicle who has come to a full stop, as required by this subsection, upon entering the through highway shall yield the right-of-way to other vehicles which have entered the intersection from the through highway or which are approaching so closely on the through highway as to constitute an immediate hazard and after having so yielded the right-of-way may proceed and the drivers or operators of all other vehicles approaching the intersection on the through highway shall yield the right-of-way to the vehicle so proceeding into or across the through highway.

Rev. Stat.,
c. 167, s. 41,
amended

- (3) The said section 41 is amended by adding thereto the following subsections:

Right-of-
way on
entering
highway
from private
road

- (4*a*) The driver or operator of a vehicle about to enter or cross a highway from a private road or driveway shall yield the right-of-way to all vehicles approaching on the highway.

.

Driving to
left of
centre of
highway
under certain
conditions
prohibited

- (15*a*) No vehicle shall be driven or operated to the left of the centre of a highway designed for one or more lines of traffic in each direction,

- (*a*) when approaching the crest of a grade or upon a curve in the highway or within 100 feet of a bridge, viaduct or tunnel where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction; or

- (*b*) when approaching within 100 feet of or traversing any intersection or level railway crossing, except where a left turn is to be made at an intersection;

provided this subsection shall not apply to a highway designated for the use of one-way traffic or to a

highway

highway divided into clearly marked lanes as provided in subsection 5.

(4) Subsection 16 of the said section 41 is repealed and the following substituted therefor: Rev. Stat., c. 167, s. 41, subs. 16, re-enacted

(16) No person in charge of a vehicle shall pass or attempt to pass another vehicle going in the same direction on a highway unless the travelled portion of the highway, Passing vehicle going in same direction

(a) in front of and to the left of the vehicle to be passed is safely free from approaching traffic; and

(b) to the left of the vehicle passing or attempting to pass is safely free from overtaking traffic.

(5) The said section 41 is further amended by adding thereto the following subsection: Rev. Stat., c. 167, s. 41, amended

(19a) Where sidewalks are not provided on a highway, a pedestrian walking along or upon the highway, when practicable, shall walk on the left side of the highway facing traffic which may approach from the opposite direction. Pedestrians to walk on left side of highway

7. *The Highway Traffic Act* is amended by adding thereto the following section: Rev. Stat., c. 167, amended

41b.—(1) In this section, “school bus” means a motor vehicle used exclusively for the transportation of children to and from school and of such a type and design and colour and displaying such markings and having such equipment, lights and signalling devices as may be prescribed by the regulations made by the Lieutenant-Governor in Council. School bus, interpretation

(2) The Lieutenant-Governor in Council may make regulations prescribing the type, design and colour of the markings to be displayed on and the equipment, lights and signalling devices to be attached to or carried by a school bus. Regulations

(3) The driver or operator of a vehicle upon a highway outside a city, town, village, police village or built-up area upon overtaking a school bus which is stopped on the highway for the purpose of receiving or discharging school children shall stop the vehicle before reaching such school bus when there is in operation on the school bus a visual signal as required Duty of driver of vehicle

by

by the regulations and the driver or operator shall not proceed until the school bus resumes motion or is signalled by the driver of the school bus to proceed or the visual signals are no longer actuated.

Markings to
be covered
when
children not
being
transported

- (4) When a school bus is being operated upon a highway for purposes other than the actual transportation of children either to or from school, all markings thereon indicating "school bus" shall be covered or concealed.

Rev. Stat.,
c. 167, s. 51,
subs. 2,
amended

8. Subsection 2 of section 51 of *The Highway Traffic Act* is amended by inserting after the word "vehicles" in the second line the words "or between motor vehicles and cars of electric or steam railways or other motor vehicles running only upon stationary rails", so that the subsection shall read as follows:

Application
of section

- (2) This section shall not apply in case of a collision between motor vehicles or between motor vehicles and cars of electric or steam railways or other motor vehicles running only upon stationary rails on the highway nor to an action brought by a passenger in a motor vehicle in respect of any injuries sustained by him while a passenger.

Rev. Stat.,
c. 167, s. 54,
re-enacted

9. Section 54 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Intoxicated
persons not
to drive

1953-54,
c. 51
(Can.)

54. The licence or permit, or in case the licensee is also the owner of the motor vehicle, then both the licence and permit, of a person who is convicted of an offence under section 222 of the *Criminal Code* (Canada) is thereupon and hereby suspended for a period of,

- (a) upon the first offence, six months, but where injury to or the death of any person or damage to property occurred in connection with the offence, one year;
- (b) upon any subsequent offence, one year, but where injury to or the death of any person or damage to property occurred in connection with the offence, two years;

provided that if an order is made under subsection 1 of section 225 of the *Criminal Code* (Canada) prohibiting a person from driving a motor vehicle for any longer period, the licence or permit or both shall remain suspended during such longer period.

10. *The Highway Traffic Act* is amended by adding thereto the following section: Rev. Stat.,
c. 167,
amended

54a. The licence or permit, or in case the licensee is also the owner of the motor vehicle, then both the licence and permit, of a person who is convicted of an offence under section 223 of the *Criminal Code* (Canada) is thereupon and hereby suspended for a period of three months, but where injury to or death of any person or damage to property occurred in connection with the offence, six months; provided that if an order is made under subsection 1 of section 225 of the *Criminal Code* (Canada) prohibiting a person from driving a motor vehicle for any longer period, the licence or permit or both shall remain suspended during such longer period. Suspension
for driving
while ability
impaired
1953-54,
c. 51 (Can.)

11. Clause *a* of subsection 1 of section 59 of *The Highway Traffic Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 167, s. 59,
subs. 1, cl. *a*,
re-enacted

(a) a conviction under section 25 or 68 of this Act or section 222 or subsection 3 of section 225 of the *Criminal Code* (Canada); or 1953-54,
c. 51 (Can.)

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12. Section 101 of *The Highway Traffic Act* is amended by adding at the commencement thereof the words "Subject to section 101a", so that the section shall read as follows: Rev. Stat.,
c. 167, s. 101,
amended

101. Subject to section 101a, where the chauffeur's licence or operator's licence of any person, or the owner's permit of a motor vehicle registered in his name, has been suspended or cancelled under this Act, and the Minister has paid out of the Fund any amount in or towards satisfaction of a judgment or costs, or both, obtained against that person, the cancellation or suspension shall not be removed, nor the licence or permit restored, nor shall any new licence or permit be issued to such person until he has, Cancellation
or
suspension
of licence

(a) repaid in full to the Fund the amount paid out together with interest thereon at 4 per cent per annum from the date of such payment; and

(b) filed proof of his financial responsibility as required by Part XIII.

13. *The Highway Traffic Act* is amended by adding thereto the following section: Rev. Stat.,
c. 167,
amended

Restoration
of licence on
instalment
payments

101a.—(1) The Lieutenant-Governor in Council may make regulations providing for the restoration of the drivers' licences and owners' permits of persons indebted to the Fund who are making repayment to the Fund in instalments.

Instalment
payments
and con-
ditions to
restoration
of licence

(2) The regulations shall prescribe the classes of cases to which they shall apply, and shall provide for the manner of determining the amount of the instalment payments, the time and place of payment, and the terms and conditions, including proof of financial responsibility, of the restoration of the licences and permits.

Further
suspension

(3) Upon default of ten days duration occurring in the making of any such payment, all drivers' licences and owners' permits held by the person in default shall be deemed to be suspended.

Short title

14. This Act may be cited as *The Highway Traffic Amendment Act, 1955*.

CHAPTER 30

The Homes for the Aged Act, 1955

*Assented to March 31st, 1955
Session Prorogued March 31st, 1955*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "home" means a home for the aged established and maintained by a municipality;
- (b) "joint home" means a home for the aged established and maintained by two or more municipalities;
- (c) "last revised assessment rolls as equalized" means last revised assessment rolls as equalized for the purposes of this Act by the assessor of the territorial district, or, if there is no district assessor, by the Department of Municipal Affairs;
- (d) "Minister" means Minister of Public Welfare;
- (e) "municipality" means county, city or separated town, but in a territorial district "municipality" means city, town, village or township;
- (f) "special-home care" means care and maintenance provided in a private residence. R.S.O. 1950, c. 168, s. 1, *amended*.

2.—(1) Except as otherwise provided in subsection 2 or in section 5, every municipality not in a territorial district shall establish and maintain a home. Homes not in districts, establishment, etc.

(2) In lieu of establishing separate homes, the councils of two or more such municipalities may, with the approval in writing of the Minister, enter into an agreement to establish and maintain a joint home. Joint homes not in districts; establishment, etc. R.S.O. 1950, c. 168, s. 2, *amended*.

3. A city or town that has a population of not less than 25,000 and that is located in a territorial district may, with the approval of the Minister, enter into an agreement to establish and maintain a joint home. Homes and joint homes in districts; establishment, etc.

the

the approval in writing of the Minister, establish and maintain a home, or the council of any such city or town and the councils of one or more other municipalities in the same district may enter into an agreement to establish and maintain a joint home. 1951, c. 35, s. 1, *part*; 1954, c. 36, s. 1.

Homes in districts; establishment, etc.

4.—(1) When a by-law authorizing the establishment and maintenance of a home under a board of management has been passed by a majority of the municipalities in a territorial district, all of the municipalities in the district shall contribute to its establishment and maintenance. R.S.O. 1950, c. 168, s. 3 (1), *amended*.

Transmission of by-law

(2) When a by-law under subsection 1 is passed, a certified copy thereof shall be transmitted forthwith to the Minister. R.S.O. 1950, c. 168, s. 3 (3).

Where home established under s. 3

(3) Where a home or a joint home is established and maintained under section 3, the municipality or municipalities that establish and maintain it shall be deemed not to be within the territorial district for the purposes of this section and sections 19 to 22. 1951, c. 35, s. 1, *part*.

Provision for admission to and care in existing home

5. Notwithstanding sections 2, 3 and 4, the council of any municipality not having a home and not participating in a joint home may, with the approval in writing of the Minister, enter into an agreement with the council of a municipality having a home, the councils of the municipalities having a joint home, or the board of a home providing for admission thereto and maintenance therein of residents of the municipality. R.S.O. 1950, c. 168, s. 5.

Committee of management, appointment

6.—(1) The council of a municipality establishing and maintaining a home or the councils of the municipalities establishing and maintaining a joint home may appoint from among the members of the council or councils, as the case may be, a committee of management for the home or joint home.

composition

(2) A committee of management, in the case of a home, shall be composed of not less than three and not more than five members of the council of the municipality, and, in the case of a joint home, shall be composed of not more than three members of the council of each of the participating municipalities. *New*.

Board of management, appointment

7.—(1) The Lieutenant-Governor in Council may appoint a board of management, which shall be a corporation, for a home established and maintained under section 4.

composition

(2) A board of management shall consist of five persons residing in the territorial district.

(3) The board shall select the site for the home. powers

(4) The home shall be vested in the board and it shall have Idem
charge thereof. R.S.O. 1950, c. 168, s. 3 (4-6), *amended*.

8.—(1) The council of a municipality that establishes and Superin-
tendent,
appoint-
ment
maintains a home, or the councils of the municipalities that
establish and maintain a joint home or the board of manage-
ment of a home shall, with the approval of the Lieutenant-
Governor in Council, appoint a superintendent therefor.

(2) The council of a municipality that establishes and Staff,
appoint-
ment
maintains a home, or the councils of the municipalities that
establish and maintain a joint home or the board of manage-
ment of a home may appoint such staff as the superintendent
requires for the carrying out of his duties. R.S.O. 1950,
c. 168, s. 6, *amended*.

9.—(1) A home or joint home shall not be erected until Site and
plans, etc.,
to be
approved
the site and plans of the building or buildings have been
approved by the Minister.

(2) There shall be no change in site and no sale or disposal Idem
of any portion thereof and no structural alteration in any
building without the approval of the Minister. R.S.O. 1950,
c. 168, s. 4.

10.—(1) The council of a municipality having a home, the Agreement
for con-
necting
sewerage
system
councils of the municipalities participating in a joint home
or the board of management of a home may enter into an
agreement with the council of any municipality for connecting
the home or joint home with the sewerage system of such
municipality.

(2) The council of a municipality having a home, the Agreement
for supply-
ing electric
power or
water
councils of the municipalities participating in a joint home
or the board of management of a home may enter into an
agreement with The Hydro-Electric Power Commission of
Ontario or with the council of any municipality or person
owning or operating a waterworks system, or works for the
production and supply of electricity for light, heat or power,
for the supply of water for domestic purposes and for fire
protection or of electricity for light, heat or power purposes
at the home or joint home.

(3) For the purpose of connecting such home or joint home Power to
carry
necessary
works over
intervening
lands
with any such system or works, any lands or highways may
be entered upon, passed over or dug up, sewers constructed,
pipes laid down, poles or wires put in place and all work done
in or upon such lands and highways as may be necessary, due

compensation

Rev. Stat.,
c. 243 compensation being made to the owners thereof as provided by *The Municipal Act*. R.S.O. 1950, c. 168, s. 7.

Debentures

11. Subject to the approval of the Ontario Municipal Board and without the assent of the electors, any municipality may issue debentures for raising such sums as may be necessary for the purchase of a site or for the erection of buildings for a home or joint home, or for the purchase of land to be used in connection therewith, or for any addition to or improvement of such buildings, or for the purpose of any system or works authorized by section 10. R.S.O. 1950, c. 168, s. 8.

Equipment,
etc., for
handicrafts

12.—(1) The council of a municipality having a home, the councils of the municipalities participating in a joint home or the board of management of a home shall provide such equipment and materials as will enable the residents of the home or joint home to engage in handicrafts and other such occupations.

Residents
encouraged
to work

(2) Upon certification by a legally qualified medical practitioner that a resident of a home or joint home is physically able to engage in household, farm or other work, in or about the home or joint home, the superintendent thereof shall encourage the resident to engage in such work. R.S.O. 1950, c. 168, s. 9 (1, 2), *amended*.

Who may be
admitted

13. Any person,

(a) who is over the age of sixty years and incapable of supporting himself or unable to care properly for himself;

Rev. Stat.,
c. 229

(b) who is mentally incompetent and ineligible for committal to an institution under *The Mental Hospitals Act* and who requires care, supervision and control for his protection;

(c) who is over the age of sixty years and who is confined to bed but does not require care in a public hospital or hospital for incurables; or

(d) who is under the age of sixty years who because of special circumstances cannot be cared for adequately elsewhere, if his admission is approved by the Minister,

may be admitted to a home or joint home by the superintendent thereof upon receipt of,

(e) an authorization in the prescribed form signed by the head of the council of a city, town, village or township,

township, or in a county in which the county council has designated the warden to sign such authorizations, by the warden, or in a city having a population of not less than 100,000, by such member of the council as the mayor has designated, or where the person resides in unorganized territory, by the provincial welfare administrator of the territorial district;

- (f) an application in the prescribed form signed by the applicant;
- (g) a consent to inspect assets in the prescribed form signed by the applicant;
- (h) a statement of particulars in the prescribed form signed by the welfare officer of the municipality or territorial district; and
- (i) a statement in the prescribed form signed by a legally qualified medical practitioner designated by the municipality or municipalities having the home or participating in the joint home or by the board of a home as the physician for the home or joint home. R.S.O. 1950, c. 168, s. 9 (4); s. 11, *amended*.

14.—(1) Any magistrate may, by writing under his hand, commit any person who is over sixty years of age and who is unable to care properly for himself to a home or joint home, and where a person is so committed, the magistrate shall determine the municipality in which the person is resident and ensure that the statement mentioned in clause *i* of section 13 has been completed. R.S.O. 1950, c. 168, s. 9 (3); 1954, c. 36, s. 2. Committal
by magis-
trate

(2) If, in his opinion, it is in the interest of the welfare of the person, any magistrate may, by writing under his hand, rescind any order made under subsection 1. *New*. Committal
order may
be
rescinded

15.—(1) Upon the recommendation of the superintendent, any resident of a home or joint home or any person admissible to a home or joint home may, in lieu of being maintained in the home or joint home, be placed in special-home care. Special-
home care

(2) Where a person is placed in special-home care, the Treasurer of Ontario shall pay out of the Consolidated Revenue Fund to the municipality responsible for the maintenance of such person 50 per cent of its net cost of maintenance or \$30 a month, whichever is the lesser. Province
to share
cost

(3) A person placed in special-home care may be transferred to the home or joint home at any time. Person
may be
transferred

Person
considered
a resident
of the
home

(4) A person placed in special-home care shall for all other purposes be deemed to be a resident of the home or joint home.

In cities
without
homes

(5) The council of a city not having a home and not participating in a joint home may appoint one or more persons to administer this section for the city until such time as it has a home or participates in a joint home. *New.*

Residence

16.—(1) For the purposes of this Act, an applicant for admission to a home or joint home shall be deemed to be a resident of the municipality in which he last resided for a period of twelve consecutive months. R.S.O. 1950, c. 168, s. 12 (1).

Idem

(2) In determining residence under subsection 1, any period of time during which the applicant was an inmate of or resident in a hospital, nursing home, charitable institution or institution for custodial, medical or other care shall not be counted. R.S.O. 1950, c. 168, s. 12 (2), *amended.*

Affidavits
1951
(2nd Sess.),
c. 2

17. Every local authority within the meaning of *The Old Age Assistance Act, 1951* has power to take affidavits and statutory declarations for the purposes of this Act in the same manner and to the same extent as a commissioner for taking affidavits in Ontario. 1954, c. 36, s. 3.

Reimburse-
ment for
maintenance
cost

18.—(1) Any resident of a home or joint home or any person on his behalf may reimburse in whole or in part the authority responsible for the payment of the cost of his maintenance. R.S.O. 1950, c. 168, s. 10 (1).

Recovery of
net mainten-
ance cost

(2) Any municipality having a home or participating in a joint home or having an agreement under section 5 or the board of a home may recover in any court of competent jurisdiction from a person who was or is a resident of the home or joint home, or in the event of his death, from his estate, all or any part of the net cost of his maintenance. R.S.O. 1950, c. 168, s. 10 (2), *amended.*

Maintenance
of home in
districts

19.—(1) The cost of maintaining a home established under section 4 shall be defrayed in each year by the municipalities in the territorial district in proportion to the amounts of their assessments according to their last revised assessment rolls as equalized.

Estimates
and appor-
tionment

(2) The board of management shall in each year apportion the amount that it estimates will be required to defray its expenditures for that year among the municipalities in the district, and shall on or before the 25th day of February notify the clerk of each such municipality of the amount to be provided by that municipality.

(3) Each such municipality shall include the amount ^{Levy and collection} required to be provided by it in its estimates for the then current year and shall levy and collect the amount in like manner as taxes and pay the amount to the board of management on demand.

(4) Where in any year the last revised assessment rolls ^{Where assessments not equalized in time} of the municipalities in the district are not equalized by the district assessor or the Department of Municipal Affairs before the 10th day of February, the board of management may apportion the amount that it estimates to be required in proportion to the amounts of their assessments according to their assessment rolls as returned, and in that case shall re-apportion the amount and make the necessary adjustments after the equalization is completed. 1954, c. 36, s. 4.

20.—(1) The cost of establishing a new home under section ^{Capital cost of homes in districts} 4 in a district or of an addition to or extension of a home established under that section shall be defrayed by the municipalities in the district in proportion to the amounts of their assessments according to their last revised assessment rolls as equalized.

(2) To assist in defraying the cost of establishing such ^{Provincial subsidy} new home or the addition to or extension of such existing home, the Lieutenant-Governor in Council may direct payment out of the Consolidated Revenue Fund of such amount as he may determine in accordance with the regulations and based upon the proportion of such cost that is allocated to the unorganized portions of the territorial district in which the home is established.

(3) The board of management shall apportion the amount ^{Apportionment} that it estimates will be required to establish such new home or the addition to or extension of such existing home among the municipalities in the district and shall notify the clerk of each such municipality of the amount to be provided by that municipality.

(4) Each such municipality shall, within ninety days after receipt of the notice, determine the method it will use in ^{Raising of funds} raising the amount required to be provided by it, and shall take such steps as are necessary to carry the determination into effect and shall raise the amount and pay it over to the board of management of the home. 1954, c. 36, s. 4.

21.—(1) The Ontario Municipal Board, upon the applica- ^{Alternative method of raising funds} tion of the council of one or more of the municipalities in the territorial district, may by order,

- (a) authorize one of the municipalities in the district to raise the whole amount required by the issue of its debentures; or
- (b) authorize two or more of the municipalities in the district to raise the whole amount required by the issue of their debentures in such amounts as the Ontario Municipal Board may order,

and thereupon the municipality or municipalities shall raise the whole amount required by the issue of debentures and shall pay the proceeds to the board of management of the home, and in such case subsection 4 of section 20 does not apply.

Apportion-
ment of
carrying
charges

(2) Where debentures are issued to provide the whole amount required as provided in subsection 1, the board of management shall in each year during the currency of the debentures apportion the amount that will be required in that year to pay the amounts of principal and interest on the debentures among the municipalities in the district in proportion to the amounts of their assessments according to their last revised assessment rolls as equalized, and shall include the amount to be provided by each such municipality as a separate item in its estimates submitted to the clerk of the municipality under subsection 2 of section 19, and in such case subsections 3 and 4 of that section apply.

Distribution
of carrying
charges

(3) The board of management shall in each year distribute the moneys received under subsection 2 to the municipality that issued the debentures or, where two or more municipalities issued the debentures, to such municipalities in the same proportion as the amount raised by each such municipality bore to the total amount raised. 1954, c. 36, s. 4.

Capital
cost of
homes
heretofore
established
or altered

22.—(1) Where, before the 1st day of April, 1954, a new home under section 4 was established or an addition to or an extension of an existing home under that section was made, the board of management, upon the request expressed by resolutions of a majority of the councils of the municipalities in the territorial district, shall apply to the Ontario Municipal Board for an order providing that subsections 2 and 3 shall apply in respect of the cost incurred in respect of such new home or such addition or extension.

Idem

(2) Where the Ontario Municipal Board makes an order under subsection 1,

- (a) the board of management shall determine the annual amount that would have been required to pay the annual amounts of principal and interest if deben-

tures,

tures, payable in annual instalments with interest at 5 per cent per annum for a term of twenty years, had been issued by one municipality to finance the cost of the establishment and erection of the new home or the addition to or extension of the existing home; and

- (b) the board of management shall in each year during the remainder of the term of twenty years apportion the annual amount so determined among the municipalities in the district in proportion to the amounts of their assessments according to their last revised assessment rolls as equalized, and shall include the amount to be provided by each such municipality as a separate item in its estimates submitted to the clerk of the municipality under subsection 2 of section 19, and in such case subsections 3 and 4 of that section apply.

(3) The board of management shall in each year distribute the moneys received to the municipalities in the district that contributed to the cost of the new home or the addition or extension in the proportion that the contribution of each such municipality to the cost bore to the total of the contributions of all such municipalities to the cost. 1954, c. 36, s. 4. Distribution

23.—(1) When the Minister has approved the plans for a new building to be used as a home or joint home or for an addition to or an extension of an existing home or joint home, the Lieutenant-Governor in Council may direct payment out of the Consolidated Revenue Fund to the one or more municipalities or to the board of management, as the case may be, responsible for the home or joint home, of an amount not exceeding 50 per cent of the cost thereof to the municipality or the municipalities concerned. Provincial subsidy on new buildings, etc.

(2) Payments under subsection 1 may be made either when the home or joint home or the addition or extension is completed and ready for occupancy or from time to time during the construction thereof as may be deemed expedient. R.S.O. 1950, c. 168, s. 14. When payable

(3) In computing the amount of the cost of the new building, addition or extension for the purposes of subsection 1, the cost of equipment and furnishings may be included, but the cost of any land in excess of fifteen acres and the cost of any barns or other similar outbuildings shall not be included. 1951, c. 35, s. 2. What to be included and excluded in computing cost

24.—(1) There shall be paid out of such moneys as are voted therefor by the Legislature to every municipality having Provincial subsidy on operating costs

a home or participating in a joint home or having an agreement under section 5 an amount equal to one-half the amount paid out by the municipality for the operation and maintenance of the home or joint home computed in the manner prescribed by the regulations, except that any amount otherwise payable to a county under this subsection shall be paid to each municipality forming part of the county in the proportion that the equalized assessment of the municipality bears to the total equalized assessment of the county. R.S.O. 1950, c. 168, s. 15 (1); 1951, c. 35, s. 3 (1).

Idem

(2) There shall be paid out of such moneys as are voted therefor by the Legislature to the municipalities in a territorial district having a home under section 4 an amount equal to one-half the amount paid out by the board of management of the home for its operation and maintenance computed in the manner prescribed by the regulations, and the amount that shall be paid to each municipality shall be in the same proportion as the contributions of the municipality to the home bears to the total of the contributions made by all the municipalities concerned. R.S.O. 1950, c. 168, s. 15 (2).

Farm cost
to be
excluded

(3) In computing the amount paid out for the operation and maintenance of the home or joint home for the purposes of subsection 1 or 2, the cost of operating and maintaining a farm in connection with the home or joint home shall not be included. 1951, c. 35, s. 3 (2).

Provincial
subsidy for
residents
of unorgan-
ized
territory

25. There shall be paid out of such moneys as are voted therefor by the Legislature to every municipality having a home or participating in a joint home and to every board of management of a home an amount per day computed in the manner prescribed by the regulations as the cost of maintenance for each person whose residence before admission to the home or joint home was in unorganized territory. R.S.O. 1950, c. 168, s. 16.

Regulations

26. The Lieutenant-Governor in Council may make regulations,

- (a) governing the qualifications of superintendents and members of staffs of homes and joint homes and prescribing their powers and duties;
- (b) prescribing rules governing homes and joint homes, the residents therein and the staffs thereof;
- (c) prescribing the records that shall be kept under this Act and the returns that shall be made to the Minister;

(d)

- (d) designating the medical services that shall be provided for residents of homes and joint homes;
- (e) prescribing the manner of computing the cost of maintenance of homes and joint homes;
- (f) prescribing the manner of computing the proportion of the cost of construction of homes in territorial districts which shall be allocated to the unorganized portions of the districts;
- (g) providing for the admission to homes and joint homes of residents of unorganized territory and prescribing the manner of computing the cost of maintenance of such persons in such homes;
- (h) prescribing the conditions that shall be maintained in private residences in which persons may be placed for special-home care;
- (i) providing for the inspection of private residences in which persons may be placed for special-home care;
- (j) prescribing the method, time and manner of payment of the provincial share of the net cost of maintenance of persons placed in special-home care;
- (k) prescribing the forms to be used under this Act; and
- (l) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1950, c. 168, s. 17, *amended*.

27. *The Homes for the Aged Act, The Homes for the Aged Amendment Act, 1951, The Homes for the Aged Amendment Act, 1952, The Homes for the Aged Amendment Act, 1953 and The Homes for the Aged Amendment Act, 1954* are repealed. Rev. Stat., c. 168; 1951, c. 35; 1952, c. 37; 1953, c. 47; 1954, c. 36, repealed

28. This Act comes into force on the 1st day of July, 1955. Commencement

29. This Act may be cited as *The Homes for the Aged Act, 1955*. Short title

CHAPTER 31

An Act to amend The Hospitals Tax Act

Assented to March 31st, 1955
Session Prorogued March 31st, 1955

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of section 1 of *The Hospitals Tax Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 170, s. 1,
cl. *b*, re-
enacted

(*b*) "Comptroller" means Comptroller of Revenue.

2.—(1) Subsection 3 of section 2 of *The Hospitals Tax Act* is amended by striking out the word "Controller" in the second line and inserting in lieu thereof the word "Comptroller".

Rev. Stat.,
c. 170, s. 2,
subs. 3,
amended

(2) Subsection 4 of the said section 2 is repealed and the following substituted therefor:

Rev. Stat.,
c. 170, s. 2,
subs. 4, re-
enacted

(4) Subject to clause *a* of subsection 6, the licence shall be granted by the Comptroller upon payment of \$1 by the owner to the Treasurer for the use of Her Majesty in right of Ontario.

Granting
of licences

(3) Subsection 6 of the said section 2 is repealed and the following substituted therefor:

Rev. Stat.,
c. 170, s. 2,
subs. 6,
re-enacted

(6) The Comptroller may,

Refusal or
cancellation
of
licences

(*a*) refuse to issue a licence to any owner; or

(*b*) suspend or cancel the licence of any owner if such owner or any of his employees contravenes any of the provisions of this Act,

but before a refusal, suspension or cancellation is made the owner shall be afforded an opportunity to appear before the Comptroller to show cause why the issuance of a licence should not be refused or why the licence should not be suspended or cancelled, as the case may be.

Rev. Stat.,
c. 170, s. 3
(1951,
c. 36, s. 2),
re-enacted

3. Section 3 of *The Hospitals Tax Act*, as re-enacted by section 2 of *The Hospitals Tax Amendment Act, 1951*, is repealed and the following substituted therefor:

Tax on
admission
to places of
amusement

3.—(1) Every purchaser of admission to a place of amusement shall pay to the Treasurer for the use of Her Majesty in right of Ontario a tax on the price of admission as follows:

Price of Admission										Tax
More than 25	cents and not more than 34	cents —	3	cents						
" "	34	" "	" "	" "	46	"	—	4	"	
" "	46	" "	" "	" "	53	"	—	5	"	
" "	53	" "	" "	" "	62	"	—	6	"	
" "	62	" "	" "	" "	74	"	—	7	"	
" "	74	" "	" "	" "	84	"	—	8	"	
" "	84	" "	" "	" "	94	"	—	9	"	

and where the price of admission is more than 94 cents, a tax at the rate of 10 per cent calculated upon the price of admission, and in the calculation every fraction of less than one-half cent shall not be counted and every fraction of one-half cent or more shall be counted as one cent.

Tax on
admission
to places of
entertain-
ment

(2) Every purchaser of admission to a place of entertainment shall pay to the Treasurer for the use of Her Majesty in right of Ontario,

(a) a tax at the rate of 10 per cent calculated upon the price of admission where such price is less than \$10; and

(b) a tax of \$1 where such price is \$10 or more,

and in the calculation under clause *a*, every fraction of less than one-half cent shall not be counted and every fraction of one-half cent or more shall be counted as one cent.

Rev. Stat.,
c. 170, s. 4,
amended

4. Section 4 of *The Hospitals Tax Act* is amended by adding thereto the following subsections:

Trust
moneys

(3) Every owner shall be deemed to hold all amounts collected under this Act in trust for Her Majesty.

Idem

(4) All amounts collected by an owner under this Act shall be kept separate and apart from his own moneys.

Surety
bond

(5) The Treasurer may require any owner to furnish a surety bond on such terms and conditions and in such amount as the Treasurer deems appropriate.

5.—(1) Subsection 2 of section 8 of *The Hospitals Tax Act* Rev. Stat., c. 170, s. 8, subs. 2, amended is amended by striking out the word “Controller” in the seventh line and inserting in lieu thereof the word “Comptroller”.

(2) The said section 8 is amended by adding thereto the following subsection: Rev. Stat., c. 170, s. 8, amended

- (3) Where application of the owner is made to the Treasurer at least ten days before the tax would otherwise be payable and the Treasurer is satisfied that the performers in a theatrical or musical performance in a place of amusement are residents of Canada performing under the management of a person resident in Canada and that the performance will not be presented with the showing of a motion picture or with a carnival, circus, side-show, menagerie, rodeo, exhibition, horse race, athletic contest or other performance, the Treasurer may, in his absolute discretion, exempt the purchaser from the payment and the owner from the collection of the tax imposed under this Act. Canadian performances

6. Subsection 1 of section 9 of *The Hospitals Tax Act* is repealed and the following substituted therefor: Rev. Stat., c. 170, s. 9, subs. 1, re-enacted

(1) Every owner shall, as agent of the Treasurer, Returns

(a) on or before the tenth day of each month, without notice or demand; or

(b) on or before the day designated in the demand of the Comptroller served on the owner by hand or by registered mail,

deliver to the Comptroller such return as is required for the purpose of carrying out this Act.

7.—(1) Subsection 5 of section 10 of *The Hospitals Tax Act* Rev. Stat., c. 170, s. 10, subs. 5, amended is amended by striking out the word “monthly” in the second line and by striking out the word “Controller” in the second line and inserting in lieu thereof the word “Comptroller”, so that the subsection shall read as follows:

- (5) When any owner fails to complete the information required in the return to be delivered to the Comptroller under subsection 1 of section 9, such owner shall be liable to a penalty of 1 per cent of the tax collectable by him; provided that in no case shall such penalty be less than \$1 or more than \$20. Penalty for failure to complete return

Rev. Stat.,
c. 170, s. 10,
amended (2) The said section 10 is amended by adding thereto the following subsection:

Penalty for
failure to
keep moneys
apart

(6a) Every owner who fails to comply with subsection 4 of section 4 is guilty of an offence and is liable, in addition to the remittance of the tax collectable, to a penalty equal to double the amount of the moneys collected and not kept separate and apart from his own moneys and in default of payment, to imprisonment for a term of three months.

Rev. Stat.,
c. 170, s. 12,
subs. 1,
amended

8. Subsection 1 of section 12 of *The Hospitals Tax Act* is amended by striking out the word "monthly" in the first line, so that the subsection shall read as follows:

Remittance
of tax

(1) Every owner shall remit with the return required by subsection 1 of section 9, the amount of the tax collectable by him as shown therein.

Rev. Stat.,
c. 170, s. 13,
subs. 1,
re-enacted

9.—(1) Subsection 1 of section 13 of *The Hospitals Tax Act* is repealed and the following substituted therefor:

Demand for
additional
informa-
tion

(1) If the Comptroller, in order for him to make an accounting of the tax collectable by the owner under this Act or for any other purpose, desires any information or additional information, or a return from an owner who has not made a return or a complete or sufficient return, he may, by registered letter, demand from the owner or from the president, manager, secretary, or any director, agent or representative thereof, such information, additional information or return, and the owner, president, manager, secretary, or any director, agent or representative upon whom the demand is made shall deliver to the Comptroller the information, additional information or return within the time specified in the registered letter.

Rev. Stat.,
c. 170, s. 13,
subs. 2, 3,
5, 7, 8,
amended

(2) The said section 13 is amended by striking out the word "Controller" where it occurs in the first line of subsection 2, the third line of subsection 3, the third line of subsection 5, the second and third lines and the fourth line of subsection 7 and the first and second lines of subsection 8, respectively, and inserting in lieu thereof in each instance the word "Comptroller".

Commence-
ment

10. This Act comes into force on the 1st day of April, 1955.

Short title

11. This Act may be cited as *The Hospitals Tax Amendment Act, 1955*.

CHAPTER 32

**An Act to amend
The Housing Development Act**

*Assented to March 31st, 1955
Session Prorogued March 31st, 1955*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Housing Development Act* is amended by adding thereto the following sections: Rev. Stat.,
c. 174,
amended
12. In sections 13 and 14, "housing project" means a project designed to provide housing accommodation, or to facilitate in any way the provision of housing accommodation, with or without any public space, recreational facilities and commercial space or buildings appropriate thereto. Interpre-
tation
- 13.—(1) For the purpose of a housing project, a municipality, with the approval of the Minister of Planning and Development, may, Acquisition
of lands for
housing
projects
- (a) acquire land within the municipality;
- (b) hold land heretofore or hereafter acquired within the municipality;
- (c) sell, lease or otherwise dispose of land so acquired or held for a nominal or other consideration to any person or governmental authority having power to undertake housing projects.
- (2) For the purpose of a housing project, a municipality, with the approval of the Minister of Planning and Development and of the council of the municipality in which the land is situate, may exercise any of the powers mentioned in subsection 1 in respect of land in an adjacent municipality. Adjacent
municipality
- (3) The provisions of *The Municipal Act* apply to the acquisition of land under this section. Application
of Rev. Stat.,
c. 243

Exchange
of lands

- (4) When a municipality acquires land under this section, the whole or part of the consideration therefor may be land then owned by the municipality.

Power to
clear,
grade, etc.

- (5) When a municipality has acquired or holds lands under this section, the municipality may clear, grade or otherwise prepare the land for the purpose of the housing project.

Agreements
re housing
projects

14. A municipality, with the approval of the Minister of Planning and Development, may,

(a) enter into an agreement with any person or governmental authority for sharing or contributing to the capital cost or the maintenance cost of a housing project;

(b) enter into an agreement with any person or governmental authority undertaking a housing project, to provide that certain specified uses of land in a specified area surrounding or adjacent to the project will be maintained for the period specified in the agreement.

Temporary
housing
projects

15. To relieve any emergency in housing conditions, a municipality, with the approval of the Minister of Planning and Development, may erect, maintain, manage and wind up projects for temporary housing accommodation either within or outside the municipality.

Commence-
ment

2. This Act comes into force on the 1st day of July, 1955.

Short title

3. This Act may be cited as *The Housing Development Amendment Act, 1955*.

CHAPTER 33

An Act to provide Welfare Services for Indians

*Assented to March 31st, 1955
Session Prorogued March 31st, 1955*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpreta-
tion

- (a) "Indian" means a person who is registered as an Indian or entitled to be registered as an Indian under the *Indian Act* (Canada);

R.S.C. 1952,
c. 149

- (b) "Minister" means Minister of Public Welfare.

2. Every Indian resident in Ontario is entitled to the benefits of *The Blind Persons' Allowances Act, 1951*, *The Disabled Persons' Allowances Act, 1955*, *The Mothers' Allowances Act, 1952* and *The Old Age Assistance Act, 1951* to the same extent as any other person.

Indians
eligible
for welfare
benefits
1951
(2nd Sess.),
c. 1;
1955, c. 17;
1952, c. 62;
1951 (2nd
Sess.), c. 2

3. The Minister, with the approval of the Lieutenant-Governor in Council, may make agreements with the Crown in right of Canada, or any agency thereof,

Canada-
Ontario
agreements
authorized

- (a) to provide compensation to any children's aid society that extends its facilities and services to Indians;
- (b) to provide compensation to any authority operating a home for the aged that provides accommodation and care for Indians;
- (c) respecting the payment of the cost of providing rehabilitation services for Indians; or
- (d) respecting the provision and payment of such other services as will promote the well-being of Indians.

4. The Lieutenant-Governor in Council may appoint an advisory committee composed of such number of persons as

Advisory
committee

may

may be deemed appropriate, to advise the Minister on all matters under this Act and to make recommendations to him from time to time respecting any other matter that may encourage Indians in the development of their independence and promote their integration with the rest of the community.

Commence-
ment

5. This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title

6. This Act may be cited as *The Indian Welfare Services Act, 1955*.

CHAPTER 34

An Act to amend The Industrial Schools Act, 1925

Assented to March 31st, 1955
Session Prorogued March 31st, 1955

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Industrial Schools Act, 1925* is amended ^{1925,} by inserting after the figures "1904" in the twenty-eighth line ^{c. 79, s. 3,} amended the words "saving and excepting thereout the lands described in a deed from the Crown to the Grand Trunk Railway Company of Canada dated the 30th day of April, 1905, and registered in the Registry Office for the East and West Ridings of the County of York on the 2nd day of May, 1905, as No. 573", so that the section shall read as follows:

3. All and singular certain parcels and tracts of land ^{Certain} situate, lying and being in the Township of Etobicoke, in the County of York, and better known and ^{lands} described as follows, namely,—Parcel No. 1, containing 33 88/100 acres and comprising Lots 21, 22, 23 and 24 and parts of Lots 7, 8, 9, 10, 11 and 25 according to a plan filed by the Province of Ontario on the 29th day of September, 1873, as No. 389 (sometimes called No. 339), known as "the Government registered plan", and which lands are included in a certain lease from Her Majesty Queen Victoria to the Industrial School Association of Toronto, dated the 30th day of June, 1885; Parcel No. 2, containing eight acres and comprising Lots 7, 8 and 9, according to the said Government plan, which lands were included in a certain grant made by Her Majesty Queen Victoria and dated the 7th day of June, 1892, conveying to the said Industrial School Association of Toronto, said lands being so granted as a site on which to erect buildings for the purposes of an industrial school; Parcel No. 3, containing 8 22/100 acres and comprising all those parts of Lots 7, 8, 9 and 10 according to the said Government plan, except those parts included in Parcel No. 1 and Parcel No. 2, which lands were conveyed by grant ^{occupied by Industrial School Association vested in Crown}

from

from the Crown to the Industrial School Association of Toronto by grant dated the 7th day of June, 1892; Parcel No. 4, containing 11 27/100 acres comprising parts of Lots 4 and 5 on said Government plan, which lands are described in a lease from the Crown to the Industrial School Association of Toronto dated the 24th day of June, 1904, saving and excepting thereout the lands described in a deed from the Crown to the Grand Trunk Railway Company of Canada dated the 30th day of April, 1905, and registered in the Registry Office for the East and West Ridings of the County of York on the 2nd day of May, 1905, as No. 573, shall be and are hereby declared to be vested in His Majesty the King in the right of the Province of Ontario absolutely freed and discharged from any right or claim under any mortgage, lease or otherwise, anything in any general or special Act or in any deed, will or other instrument, or any regulation or by-law of any corporation whatsoever to the contrary notwithstanding.

Short title

2. This Act may be cited as *The Industrial Schools Amendment Act, 1955*.

CHAPTER 35

An Act to amend The Insurance Act

Assented to March 31st, 1955
Session Prorogued March 31st, 1955

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 5 of section 77 of *The Insurance Act* is amended by striking out the words "*The National Housing Act, 1944* (Canada), or any amendments thereto" in the eighth and ninth lines and inserting in lieu thereof the words "*The National Housing Act, 1938* (Canada), the *National Housing Act* (Canada), or the *National Housing Act, 1954* (Canada), or any amendments thereto", so that the subsection shall read as follows:

(5) An insurer licensed for the transaction of life insurance may make such investments to an aggregate amount not exceeding 5 per cent of its total assets in Canada allowed by the Superintendent, in the purchase of land in Ontario or elsewhere in Canada where the insurer is carrying on business, the improvement thereof, the construction of buildings thereon, and the management and disposal thereof, as are referred to in *The National Housing Act, 1938* (Canada), the *National Housing Act* (Canada), or the *National Housing Act, 1954* (Canada), or any amendments thereto.

(2) Subsection 6 of the said section 77 is amended by striking out the words "clause *a* of subsection 3 of section 298 of *The Companies Act*" in the fourth and fifth lines and inserting in lieu thereof the words "clause *a* of subsection 4 of section 207 of *The Corporations Act, 1953*", so that the subsection shall read as follows:

(6) Except in the case of a fraternal society, a licensed insurer may make such investments in real estate or leaseholds in Ontario and elsewhere in Canada where the insurer is carrying on business, as are referred to in clause *a* of subsection 4 of section 207 of *The Corporations Act, 1953*.

Short title

2. This Act may be cited as *The Insurance Amendment Act, 1955*.

CHAPTER 36

An Act to amend The Judicature Act

Assented to March 31st, 1955
Session Prorogued March 31st, 1955

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 60 of *The Judicature Act* is amended by striking out the word “ten” where it occurs in the first and second lines respectively and inserting in lieu thereof the word “five” and by striking out the word “twelve” in the fourth line and inserting in lieu thereof the word “six”, so that the subsection shall read as follows:

Rev. Stat.,
c. 190, s. 60,
subs. 1,
amended

(1) It shall be sufficient if five of the jurors agree, and a verdict rendered or question answered by five jurors shall have the same effect as a verdict or answer given by six jurors.

Agreement
of 5 jurors
to be sufficient

(2) Subsection 3 of the said section 60 is amended by striking out the word “ten” in the second line and inserting in lieu thereof the word “five”, so that the subsection shall read as follows:

Rev. Stat.,
c. 190, s. 60,
subs. 3,
amended

(3) Where more questions than one are submitted, it shall not be necessary that the same five jurors shall agree to every answer.

Not necessary
for same 5
jurors to
agree to
all answers

2. Section 61 of *The Judicature Act* is amended by striking out the word “eleven” in the eighth line and inserting in lieu thereof the word “five” and by striking out the words “and in such case ten jurors may give the verdict or answer the questions submitted to the jury” in the eighth, ninth and tenth lines and inserting in lieu thereof the words “and in that case the verdict or answer to a question given by the jury shall be unanimous”, so that the section shall read as follows:

Rev. Stat.,
c. 190, s. 61,
amended

61. If at the trial of an action or issue or assessment of damages a juror dies or becomes incapacitated from any cause from continuing to sit or act on the jury, or if it is discovered that a juror has an interest in the result of the proceeding, or is a relative within

Death or
illness of
jurors or
discovery
of interest
during trial

the

the degree of first cousin of any of the parties, the judge may discharge such juror and may direct that the trial or assessment shall proceed on such terms as he deems just with five jurors, and in that case the verdict or answer to a question given by the jury shall be unanimous.

Commence-
ment

3. This Act comes into force on the 1st day of January, 1956.

Short title

4. This Act may be cited as *The Judicature Amendment Act, 1955*.

CHAPTER 37

An Act to amend The Jurors Act

Assented to March 31st, 1955
Session Prorogued March 31st, 1955

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Jurors Act* is amended by adding thereto the following clause: Rev. Stat.,
c. 191, s. 1,
amended

(cc) "local municipality" includes The Municipality of Metropolitan Toronto but does not include an area municipality as defined by *The Municipality of Metropolitan Toronto Act, 1953*. 1953, c. 73

2. Subsection 3 of section 6 of *The Jurors Act*, as re-enacted by section 1 of *The Jurors Amendment Act, 1953*, is repealed. Rev. Stat.,
c. 191, s. 6,
subs. 3
(1953,
c. 51, s. 1),
repealed

3. *The Jurors Act* is amended by adding thereto the following section: Rev. Stat.,
c. 191,
amended

6a.—(1) Notwithstanding section 6, in the county of York the judge of the county court, the senior of the junior judges thereof, the chairman of the council of The Municipality of Metropolitan Toronto, the warden, the treasurer of the county, the treasurer of The Municipality of Metropolitan Toronto, and the sheriff, any three of whom shall constitute a quorum, shall be *ex officio* the selectors of jurors from the jurors' rolls within the county and shall be known as the county selectors. York county
selectors

(2) The judge of the county court or any junior judge designated by the judge except the senior junior judge, the chairman of the council of The Municipality of Metropolitan Toronto or a member of the Metropolitan Council designated by the chairman, the sheriff or a deputy sheriff designated by the sheriff, and the treasurer of The Municipality of Metropolitan Toronto or the deputy treasurer of Selectors
for Metro-
politan
Toronto

The Municipality of Metropolitan Toronto if designated by the treasurer, shall attend when the selection is being made for The Municipality of Metropolitan Toronto.

Selectors
for York
county other
than Metro-
politan
Toronto

- (3) The senior of the junior judges of the county court or any other junior judge designated by that judge, the warden or a member of the county council designated by the warden, the sheriff or a deputy sheriff designated by the sheriff, and the treasurer of the county or the deputy treasurer of the county if designated by the treasurer, shall attend when the selection is being made from the local municipalities other than The Municipality of Metropolitan Toronto.

Chairman of
the selectors
for Metro-
politan
Toronto

- (4) The senior judge or the junior judge designated by him, as the case may be, shall be the chairman of the section of county selectors for The Municipality of Metropolitan Toronto, and if neither of such judges is present, the members of that section may appoint from among themselves a chairman *pro tempore*.

Chairman of
selectors
for county
other than
Metropolitan
Toronto

- (5) The senior of the junior judges or the junior judge designated by him, as the case may be, shall be the chairman of the section of county selectors for the county other than The Municipality of Metropolitan Toronto, and if neither of such judges is present, the members of that section may appoint from among themselves a chairman *pro tempore*.

Casting
vote

- (6) In case of an equality of votes, the chairman of the meeting shall have a double or casting vote.

Rev. Stat.,
c. 191, s. 11,
amended

4. Section 11 of *The Jurors Act* is amended by adding thereto the following subsection:

Voters' list
for Metro-
politan
Toronto

- (2) For the purposes of subsection 1, the voters' list for The Municipality of Metropolitan Toronto shall be the voters' list of each of the area municipalities within The Municipality of Metropolitan Toronto.

Rev. Stat.,
c. 191, s. 15,
amended

5.—(1) Section 15 of *The Jurors Act* is amended by adding at the commencement thereof the words "Subject to subsection 2", so that subsection 1 of the section shall read as follows:

Local
selectors

- (1) Subject to subsection 2, the head of the council, the clerk, the assessment commissioner and the assessors of every local municipality, any two of whom shall be a quorum, shall be *ex officio* the local selectors of jurors for the municipality.

(2) The said section 15 is further amended by adding thereto the following subsection: Rev. Stat.,
c. 191, s. 15,
amended

- (2) The local selectors for The Municipality of Metropolitan Toronto shall consist of the chairman of the Metropolitan Council or a member thereof designated by him, the clerk and deputy clerk of the Metropolitan Corporation, the assessment commissioner and deputy assessment commissioner or commissioners of the Metropolitan Corporation and such assessors thereof as may be designated by the assessment commissioner and any two of the local selectors shall constitute a quorum. Local
selectors
for Metro-
politan
Toronto

6. Section 16 of *The Jurors Act* is amended by adding thereto the following subsection: Rev. Stat.,
c. 191, s. 16,
amended

- (5) For the purposes of this section, the assessment roll of The Municipality of Metropolitan Toronto shall be the assessment roll of each of the area municipalities in The Municipality of Metropolitan Toronto. Assessment
rolls for
Metropolitan
Toronto

7. Section 17 of *The Jurors Act* is amended by adding thereto the following subsection: Rev. Stat.,
c. 191, s. 17,
amended

- (7) Subsection 2 of section 11 and subsection 5 of section 16 apply *mutatis mutandis* to this section. Application
of sec. 11,
subs. 2; s. 16,
subs. 5

8.—(1) Subsection 2 of section 43 of *The Jurors Act* is amended by striking out the figures "13" in the second line and inserting in lieu thereof the word "seven", so that the subsection shall read as follows: Rev. Stat.,
c. 191, s. 43,
subs. 2,
amended

- (2) The precepts for the return of grand jurors shall command the return, and the panel shall consist of seven grand jurors. Number of
grand jurors

(2) The said section 43 is amended by adding thereto the following subsection: Rev. Stat.,
c. 191, s. 43,
amended

- (2a) Where, after the issue of a precept for the return of grand jurors, the clerk of the peace informs a judge authorized under subsection 1 to issue the precept that there are no criminal prosecutions at the sittings for which the precept was issued, the judge may, Cancellat-
ion of
precept for
grand jury

(a) cancel the precept; or

- (b) if summonses have been served on the persons drafted to serve on the grand jury, direct the sheriff to notify each person so summoned, in the manner prescribed by subsection 5 of section 64.

Rev. Stat.,
c. 191, s. 47,
subs. 1,
re-enacted

9.—(1) Subsection 1 of section 47 of *The Jurors Act* is repealed and the following substituted therefor:

Release of
jurors
by judge

(1) Any number of jurors summoned for a jury sittings of the Supreme Court or of the county court may, until re-summoned by direction of a judge, be released from service or further service, as the case may be,

(a) at any time before the sittings by a judge authorized to issue a precept for the sittings of the court; or

(b) at any time during the sittings by the judge presiding at the sittings.

Selection
of jurors
to be
released
before
sittings

(1a) Where any number of jurors are to be released from service before the sittings under this section, the judge shall so advise the sheriff who shall place all the cards upon which the names of the jurors are written in the box provided for that purpose and shall cause it to be thoroughly shaken and shall then withdraw from the box, one at a time, the number of cards equivalent to the number of jurors who are to be released, and the sheriff shall notify in writing the persons whose names appear on the cards that they are released.

Rev. Stat.,
c. 191, s. 47,
subs. 2,
amended

(2) Subsection 2 of the said section 47 is amended by inserting after the word "service" in the second line the words "during the sittings", so that the subsection shall read as follows:

Selection
of jurors
to be
released
during the
sittings

(2) Where any number of jurors are to be released from further service during the sittings under this section, the judge shall, in the presence of the jury panel and in open court, so advise the clerk of the court, who shall place all the cards upon which the names of the jurors are written in the box provided for that purpose and shall cause it to be thoroughly shaken and shall then withdraw from the box, one at a time, the number of cards equivalent to the number of jurors who are to be released, and the jurors whose names appear on the cards shall thereupon be released by the judge.

Rev. Stat.,
c. 191, s. 63,
subs. 2,
repealed

10. Subsection 2 of section 63 of *The Jurors Act* is repealed.

Rev. Stat.,
c. 191, s. 68,
amended

11. Section 68 of *The Jurors Act* is amended by striking out the word "thirteen" in the first line and inserting in lieu thereof the word "seven" and by striking out the figures "13" in the

eighth line and inserting in lieu thereof the word "seven", so that the section shall read as follows:

68. Where there do not appear as many as seven of the grand jurors summoned upon a panel returned upon any precept to any court of criminal jurisdiction, the court, upon the request of the Attorney-General, or of counsel for the Crown, or of the Crown attorney, may command the sheriff to name and appoint so many persons then present or who can be found, whether on the panel of petit jurors or not, as will make up a grand inquest of seven, and the sheriff shall return such persons to serve on such grand inquest, and shall add their names to the panel returned upon such precept, and the court shall proceed with those grand jurors who were before empanelled, together with the talesmen so newly added, as if all such jurors had been originally returned upon such precept.

12. Subsection 1 of section 70 of *The Jurors Act* is amended by striking out the word "twelve" in the fourth line and inserting in lieu thereof the word "six" and by striking out the figures "12" where they occur in the eighth and eleventh lines respectively and inserting in lieu thereof the word "six", so that the subsection shall read as follows:

- (1) Where an issue is brought on to be tried, or damages are to be assessed by a jury, the clerk shall, in open court, cause the box or urn to be shaken so as sufficiently to mix the names, and shall then draw out six of the cards or papers, one after another, causing the box or urn to be shaken after the drawing of each name, and if any juror whose name is so drawn does not appear or is challenged and set aside, then such further number until six jurors are drawn, who do appear, and who, after all just causes of challenge allowed, remain as fair and indifferent, and the first six jurors so drawn, appearing and approved as indifferent, their names being noted in the minute book of the clerk of the court, shall be sworn, and shall be the jury to try the issue or to assess the damages.

13. Section 71 of *The Jurors Act* is amended by striking out the figures "12" in the fourth line and inserting in lieu thereof the word "six", so that the section shall read as follows:

71. If an issue is brought on to be tried, or damages are to be assessed, at any such sittings before the jury in any other cause have brought in their verdict, or been discharged,

discharged, the court may order six of the residue of the cards or papers to be drawn for the trial of the issue so brought on to be tried, or for the assessment of damages, as the case may be.

Rev. Stat.,
c. 191,
Sched. B,
amended

14. Schedule B to *The Jurors Act* is amended by striking out the word "thirteen" where it occurs in the fourth line of form 3 and in the fourth line of form 6 respectively and inserting in lieu thereof the word "seven".

Rev. Stat.,
c. 191,
Sched. D,
amended

15. Form 1 of Schedule D to *The Jurors Act* is amended by striking out the word "thirteen" in the twelfth line and inserting in lieu thereof the word "seven".

Commence-
ment

16.—(1) Subsection 1 of section 8 and sections 11, 14 and 15 come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Idem

(2) Sections 12 and 13 come into force on the 1st day of January, 1956.

Short title

17. This Act may be cited as *The Jurors Amendment Act, 1955*.

CHAPTER 38

**An Act to amend
The Juvenile and Family Courts Act, 1954**

*Assented to March 31st, 1955
Session Prorogued March 31st, 1955*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 5 of *The Juvenile and Family Courts Act, 1954* is amended by adding thereto the following subsection: 1954, c. 41, s. 5, amended

(3a) Where the office of judge or deputy judge is vacant, the Attorney-General may appoint any person to act *pro tempore* as such. vacancy in office of judge

2. *The Juvenile and Family Courts Act, 1954* is amended by adding thereto the following section: 1954, c. 41, amended

8a. The clerk, probation officers and members of the staff of a juvenile and family court shall be deemed to have been and to be employees of the municipality that pays their salaries. Status of clerk, etc.

3. This Act may be cited as *The Juvenile and Family Courts Amendment Act, 1955*. Short title

CHAPTER 39

An Act to amend The Lakes and Rivers Improvement Act

Assented to March 31st, 1955
Session Prorogued March 31st, 1955

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of subsection 1 of section 2 of *The Lakes and Rivers Improvement Act* is repealed. Rev. Stat.,
c. 195, s. 2,
subs. 1, cl. *b*,
repealed
2. Section 20 of *The Lakes and Rivers Improvement Act* is amended by striking out the words "prescribed by the regulations" in the fifth line and inserting in lieu thereof the words "approved by the Minister and such approval shall be deemed to be of an administrative and not of a legislative nature", so that the section shall read as follows: Rev. Stat.,
c. 195, s. 20,
amended
20. Where a dam is now or shall hereafter be erected on or across any lake or river down which timber is usually floated such dam shall at all times be provided with a slide or apron for the passage of timber of such description and dimensions as shall be approved by the Minister and such approval shall be deemed to be of an administrative and not of a legislative nature. Provision for
passage of
timber
3. Subsection 1 of section 22 of *The Lakes and Rivers Improvement Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 195, s. 22,
subs. 1,
re-enacted
 - (1) The owner and occupier of a dam who does not provide, maintain and keep in repair a slide or apron thereto in accordance with such description and dimensions as are approved by the Minister under section 20 is guilty of an offence and on summary conviction is liable to a penalty of \$50 for each day on which the default occurs or during which it continues. Penalty
for not
providing
slide or
apron
4. *The Lakes and Rivers Improvement Act* is amended by adding thereto the following section: Rev. Stat.,
c. 195,
amended

Throwing
trees, etc.,
into lake
or river
prohibited

- 30a. Where an officer of the Department of Lands and Forests finds that any tree, part of a tree, refuse, substance or matter has been thrown or deposited into a lake or river or on the shores or banks thereof in such a manner as in his opinion impairs the natural beauty of the lake or river, he may, if authorized by the Minister to do so, order the person who committed or caused the commission of such act to take such steps within the time specified in the order as are necessary to remove the tree, part of a tree, refuse, substance or matter from the lake or river or from the shores or banks thereof, and any person who fails to comply with any such order is guilty of an offence and on summary conviction is liable to a penalty of \$50 for each day that he does not comply with the order.

Short title

5. This Act may be cited as *The Lakes and Rivers Improvement Amendment Act, 1955*.

CHAPTER 40

An Act to amend The Loan and Trust Corporations Act

*Assented to March 31st, 1955
Session Prorogued March 31st, 1955*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Loan and Trust Corporations Act* is amended by adding thereto the following sections: Rev. Stat.,
c. 214,
amended

103a.—(1) Without limiting the powers that a registered loan corporation or loaning land corporation has under section 95, any such corporation may, for the purpose of acquiring the assets of any other loan corporation or loaning land corporation in Canada pursuant to sections 95 to 103, purchase not less than 67 per cent of the outstanding shares of any such corporation, subject to the following: Acquisition
by loan
corporation
of another
loan cor-
poration by
purchase of
shares

1. No such purchase shall be made unless authorized by the Lieutenant-Governor in Council.

2. The Lieutenant-Governor in Council may authorize such purchase on the report of the Registrar supported by evidence that,

(i) an offer to purchase has been accepted by the holders of at least 67 per cent of the outstanding shares of such other corporation, such evidence of acceptance being in the form of written agreements or in the form of a resolution signed by or on behalf of the shareholders voting therefor, in person or by proxy, at a meeting of shareholders duly called to consider the offer, or being partly in one form and partly in the other, and

(ii) the purchase has been approved by at least a three-fourths vote of such shares

as are represented in person or by proxy at a meeting of the shareholders duly called to consider the purchase and representing at least 50 per cent of the issued capital stock of the purchasing corporation.

3. The power to purchase shares under this section is in addition to the powers set forth in section 133, and the limitations and provisos contained in section 136 do not apply to any such purchase of shares.
4. Where a corporation has purchased shares under this section, it shall, under the provisions of sections 95 to 103, acquire the assets and assume the duties, obligations and liabilities of the other corporation within a period of two years after the purchase has been authorized by the Lieutenant-Governor in Council, but on being satisfied that the circumstances so warrant the Lieutenant-Governor in Council may extend that period from time to time; and after the expiration of that period and of any extension thereof, the said shares shall not be allowed as assets of the purchasing corporation in the annual report prepared by the Registrar for the Minister and the Registrar may direct the corporation to sell or otherwise absolutely dispose of the shares.

Consideration for shares

- (2) The consideration for the shares acquired under the authority of this section may be cash or shares in the capital stock of the purchasing corporation or in part cash and in part shares of the purchasing corporation or such other consideration as may be agreed upon.

No power to purchase own shares

- (3) Nothing in this section shall be construed as authorizing a corporation to purchase or acquire its own shares.

Allotment rights not to apply

- (4) Any provisions in any letters patent or special Act by which a purchasing corporation was incorporated, or in any other statute or law, granting any shareholders or other persons a primary right to an allotment of shares, do not apply to the issue of any shares by the purchasing corporation for the purpose of subsection 2.

104a.—(1) Without limiting the powers a registered trust company has under section 104, any such company may, for the purpose of acquiring the assets of any corporation in Canada pursuant to section 104, purchase not less than 67 per cent of the outstanding shares of any such corporation, subject to the following:

Acquisition
by trust
company of
another cor-
poration by
purchase of
shares

1. No such purchase shall be made unless authorized by the Lieutenant-Governor in Council.
2. The Lieutenant-Governor in Council may authorize such purchase on the report of the Registrar, supported by evidence that,
 - (i) an offer to purchase has been accepted by the holders of at least 67 per cent of the outstanding shares of such corporation, such evidence of acceptance being in the form of written agreements or in the form of a resolution signed by or on behalf of the shareholders voting therefor, in person or by proxy, at a meeting of shareholders duly called to consider the offer, or being partly in one form and partly in the other, and
 - (ii) the purchase has been approved by at least a three-fourths vote of such shares as are represented in person or by proxy at a meeting of the shareholders duly called to consider the purchase and representing at least 50 per cent of the issued capital stock of the purchasing company.
3. The power to purchase shares under this subsection is in addition to the powers that a registered trust company has under section 134, and the limitations and provisos contained in section 136 do not apply to any such purchase of shares.
4. Where a company has purchased shares under this section, it shall, under the provisions of section 104, acquire the assets and assume the duties, obligations and liabilities of the other corporation within a period of two years after the purchase has been authorized by the Lieutenant-Governor in Council, but on being

satisfied

satisfied that the circumstances so warrant the Lieutenant-Governor in Council may extend that period from time to time; and after the expiration of that period and of any extension thereof, the said shares shall not be allowed as assets of the purchasing company in the annual report prepared by the Registrar for the Minister and the Registrar may direct the company to sell or otherwise absolutely dispose of the shares.

Consideration

- (2) The consideration for the shares acquired under the authority of this section may be cash or shares in the capital stock of the purchasing company or in part cash and in part shares of such purchasing company or such other consideration as may be agreed upon.

No power to purchase own shares

- (3) Nothing in this section shall be construed as authorizing a company to purchase or acquire its own shares.

Allotment rights not to apply

- (4) Any provisions in any letters patent or special Act by which a purchasing company was incorporated, or in any other statute or law, granting any shareholders or other persons a primary right to an allotment of shares, do not apply to the issue of any shares by the purchasing company for the purposes of subsection 2.

Rev. Stat.,
c. 214, s. 133,
subs. 1,
amended

2.—(1) Subsection 1 of section 133 of *The Loan and Trust Corporations Act* is amended by adding thereto the following clause:

bonds, etc.,
issued or
guaranteed
by Inter-
national
Bank;

1945 (2nd
Sess.), c. 11
(Can.)

- (bb) the bonds, debentures or other securities issued or guaranteed by the International Bank for Reconstruction and Development established by the Agreement for an International Bank for Reconstruction and Development approved by *The Bretton Woods Agreements Act, 1945* (Canada), if the bonds, debentures or other securities are payable in the currency of Canada, the United Kingdom, any member of the British Commonwealth or the United States of America.

Rev. Stat.,
c. 214, s. 133,
subs. 1,
amended

(2) Subsection 1 of the said section 133 is further amended by striking out the word "or" at the end of clause *h*, by adding the word "or" at the end of clause *i* and by adding thereto the following clause:

(j)

- (j) real estate in Canada for the production of income,^{real estate for production of income} either alone or jointly with any other corporation,
- (i) if a lease of the real estate is made to, or guaranteed by, a company that has paid a dividend in each of the five years immediately preceding the date of investment at least equal to the specified annual rate upon all of its preferred shares, or that has paid a dividend in each year of a period of five years ended less than one year before the date of investment upon its common shares of at least 4 per cent of the average value at which the shares were carried in the capital stock account of the corporation during the year in which the dividend was paid,
 - (ii) if the lease provides for a net revenue sufficient to yield a reasonable interest return during the period of the lease and to repay at least 85 per cent of the amount invested by the corporation in the real estate within the period of the lease, but not exceeding thirty years from the date of investment, and
 - (iii) if the total investment of the corporation in any one parcel of real estate does not exceed one-half of 1 per cent of the book value of the corporation's total funds,

and the corporation may hold, maintain, improve, lease, sell or otherwise deal with or dispose of the real estate, but the total book value of the investments of the corporation in real estate for the production of income pursuant to this clause shall not exceed 5 per cent of the book value of the corporation's total funds.

3. Section 134 of *The Loan and Trust Corporations Act* is^{Rev. Stat., c. 214, s. 134, amended} amended by adding thereto the following subsection:

- (1a) The total book value of the investments of a^{Real estate for production of income} registered trust company in real estate for the production of income shall not exceed, in the case of its funds, 5 per cent of the book value of such funds and, in the case of moneys received for guaranteed investment or as deposits, 5 per cent of such moneys held by the company or 25 per cent of the company's unimpaired paid-up capital and reserve; provided that the amount invested in any

one parcel of such real estate by a company shall not exceed one-half of 1 per cent of the aggregate of the book value of its funds and of the moneys held by it for guaranteed investment or as deposits.

Rev. Stat.,
c. 214, s. 152,
amended

4. Section 152 of *The Loan and Trust Corporations Act* is amended by striking out the words "Part XIV of *The Companies Act*" in the second line and inserting in lieu thereof the words "Part VII of *The Corporations Act, 1953*", so that the section shall read as follows:

Application
of certain
sections of
1953, c. 19

152. Except where the provisions of this Act are inconsistent, Part VII of *The Corporations Act, 1953* shall apply, substituting for the words "Provincial Secretary" the word "Registrar".

Commence-
ment

5. Subsection 1 of section 2 comes into force on the day this Act receives Royal Assent.

Short title

6. This Act may be cited as *The Loan and Trust Corporations Amendment Act, 1955*.

CHAPTER 41

An Act to amend The Magistrates Act, 1952

Assented to March 31st, 1955
Session Prorogued March 31st, 1955

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Magistrates Act, 1952* is amended by adding thereto the following subsection:

1952,
 c. 53, s. 2,
 amended
- (2) A magistrate may be specially authorized by the terms of his appointment to exercise the jurisdiction conferred upon a magistrate by Part XVI of the *Criminal Code* (Canada).

Special
 authoriza-
 tion
 1953-54,
 c. 51 (Can.)
2. Section 10 of *The Magistrates Act, 1952* is repealed.

1952,
 c. 53, s. 10,
 repealed
3. This Act comes into force on the 1st day of April, 1955.

Commence-
 ment
4. This Act may be cited as *The Magistrates Amendment Act, 1955*.

Short title

CHAPTER 42

An Act to amend The Marriage Act

Assented to March 31st, 1955
Session Prorogued March 31st, 1955

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 15 of *The Marriage Act* is amended by striking out the words "at least one week before the marriage" in the third and fourth lines, so that the subsection shall read as follows: Rev. Stat.,
c. 222, s. 15,
subs. 2,
amended

(2) The banns shall be published according to the usage of the denomination, faith or creed of the church in which they are published and during divine Sunday service. Method of
publication

2. *The Marriage Act* is amended by adding thereto the following section: Rev. Stat.,
c. 222,
amended

15a. Where a marriage is to be solemnized under the authority of publication of banns, it shall not take place earlier than the fifth day after the date of the publication of banns. Time of
publication

3. Form 5 of *The Marriage Act* is amended by adding at the commencement thereof the words "On the..... day of....., 19....", so that the form shall read as follows: Rev. Stat.,
c. 222,
Form 5,
amended

FORM 5

(Section 15 (4))

No.....

PROOF OF PUBLICATION

On the.....day of....., 19....,
I duly published the banns of marriage between.....
.....of.....of.....
and.....of.....
of the.....of.....
in.....Church in
the.....of.....

I further certify that I verily believe the said
.....
(and)
(is or are) in the habit of attending worship at the said Church.

Dated this day of, 19...

.....
(Signature)
.....
(Address)
.....

Commence-
ment

4. This Act comes into force on the 1st day of July, 1955.

Short title

5. This Act may be cited as *The Marriage Amendment Act, 1955.*

CHAPTER 43

An Act to amend The Matrimonial Causes Act

Assented to March 31st, 1955
Session Prorogued March 31st, 1955

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 6 of *The Matrimonial Causes Act* is amended Rev. Stat., c. 226, s. 6, amended by renumbering subsection 1 as subsection 1*a* and by adding thereto the following subsection:

- (1) In this section, “child of the marriage” and “child” Interpretation 1954, c. 8 include a child adopted under Part IV of *The Child Welfare Act, 1954* or a predecessor thereof by the parties to the action but do not include a child of the marriage of the parties who has been adopted by another person under Part IV of *The Child Welfare Act, 1954* or a predecessor thereof.

(2) Subsection 5 of the said section 6 is repealed and the following substituted therefor: Rev. Stat., c. 226, s. 6, subs. 5, re-enacted

- (5) Notwithstanding that no claim for custody or maintenance of the child is made in the action, the judge Powers of judge presiding at the trial may make such order as to the custody or maintenance, or both, of the child as may seem proper.

2. This Act may be cited as *The Matrimonial Causes Amendment Act, 1955*. Short title

CHAPTER 44

An Act to amend The Mechanics' Lien Act

Assented to March 31st, 1955
Session Prorogued March 31st, 1955

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 13 of *The Mechanics' Lien Act* ^{Rev. Stat., c. 227, s. 13, subs. 1, amended} is amended by inserting after the word "lien" in the sixth line the words "has been given at the address endorsed on such conveyance or mortgage pursuant to section 45 of *The Registry Act*", so that the subsection shall read as follows:

- (1) The lien shall have priority over all judgments, ^{Priority of lien} executions, assignments, attachments, garnishments, and receiving orders recovered, issued or made after the lien arises, and over all payments or advances made on account of any conveyance or mortgage after notice in writing of the lien has been given at the address endorsed on such conveyance or mortgage pursuant to section 45 of *The Registry Act* ^{to Rev. Stat., c. 336}, the person making such payments or after registration of a claim for the lien as hereinafter provided, and in the absence of such notice in writing or the registration of a claim for lien all such payments or advances shall have priority over any such lien.

2. This Act may be cited as *The Mechanics' Lien Amendment Act, 1955*. ^{Short title}

CHAPTER 45

An Act to amend The Mining Act

Assented to March 31st, 1955
Session Prorogued March 31st, 1955

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 8 of *The Mining Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 236, s. 8,
re-enacted

8. The Minister is responsible for the administration of this Act and the regulations, *The Mining Tax Act*, *The Unwrought Metal Sales Act* and *The Water-well Drillers Act*, 1954 and the regulations thereunder. Administra-
tion
Rev. Stat.,
cc. 237, 404;
1954, c. 104

2. Section 10 of *The Mining Act* is amended by striking out the word "ten" in the fifth line and inserting in lieu thereof the figures "25", so that the section shall read as follows: Rev. Stat.,
c. 236, s. 10,
amended

10. Every recorder shall keep such books for the recording of mining claims, applications and other entries therein as may be directed by the Minister, and such books shall be open to inspection by any person on payment of a fee of 25 cents for each claim or application examined, and every recorder shall also keep displayed in his office a map or maps showing the territory included in his mining division and shall mark thereon all claims as they are recorded, and there shall be no charge for examining such map or maps. Books and
maps to be
kept by
recorder

3. Section 21 of *The Mining Act* is amended by striking out the words "quarry claim or" in the fifth line, so that the section shall read as follows: Rev. Stat.,
c. 236, s. 21,
amended

21. Except as in this Act otherwise specially provided the recorder's office shall be the proper office for filing and recording all applications, documents and other instruments required or permitted to be filed or recorded under this Act, affecting any unpatented mining claim or any right, privilege or interest which may be acquired under this Act to or in Claims and
documents
to be filed in
recorder's
office

respect

respect of Crown lands or unpatented mining rights, and all such applications, documents and instruments may, before patent, be filed or recorded in such office, but after patent, *The Registry Act* and *The Land Titles Act* shall respectively apply.

Rev. Stat.,
c. 336, 197

Rev. Stat.,
c. 236, s. 24,
repealed

4. Section 24 of *The Mining Act* is repealed.

Rev. Stat.,
c. 236, s. 26,
subs. 1, re-
enacted

5.—(1) Subsection 1 of section 26 of *The Mining Act* is repealed and the following substituted therefor:

Who may
receive
licences

(1) Any person over eighteen years of age and, subject to subsection 6, any company is entitled to obtain a miner's licence upon application therefor in the prescribed form and upon payment of the prescribed fee.

Rev. Stat.,
c. 236, s. 26,
subs. 3, re-
enacted

(2) Subsection 3 of the said section 26 is repealed and the following substituted therefor:

Licence
not valid
unless
signed

(3) Subject to subsection 3a, the licence is not valid unless it is signed by the holder thereof in the space provided therefor on the licence.

Officer to
sign for
company

(3a) Where the licensee is a company, the licence shall be signed by the president or secretary of the company.

Licence not
transferable

(3b) The licence is not transferable.

Rev. Stat.,
c. 236, s. 26,
subs. 6, re-
enacted

(3) Subsection 6 of the said section 26 is repealed and the following substituted therefor:

Proof re-
quired before
licence is
issued to
company

(6) Where a company,

(a) incorporated in Ontario, satisfies the Minister that it is so incorporated; or

(b) incorporated outside Ontario, satisfies the Minister that it is so incorporated and that it is not required to be licensed under Part IX of *The Corporations Act, 1953*; or

(c) other than a company coming within clause a or b, files with the Department a copy of the licence authorizing it to transact business or hold land in Ontario verified by an affidavit of an officer of the company,

a licence shall be issued to the company.

1953, c. 19

6. Section 28 of *The Mining Act* is amended by adding at the end thereof the words "and shall not be used for the staking of mining claims", so that the section shall read as follows:

Rev. Stat.,
c. 236, s. 28
amended

28. A miner's licence held by a company shall not entitle any shareholder, officer or employee thereof to the rights or privileges of a licensee and shall not be used for the staking of mining claims.

Effect of
licence to
company

7. Subsection 1 of section 29 of *The Mining Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 236, s. 29,
subs. 1, re-
enacted

(1) A licensee is entitled to a renewal of his licence before the expiration thereof upon making application therefor in the prescribed form, upon producing his licence and paying the prescribed fee.

Renewal of
licences

8. Section 35 of *The Mining Act* is amended by adding thereto the following subsection:

Rev. Stat.,
c. 236, s. 35,
amended

(2) The Minister may, upon the recommendation of a recorder, suspend the licence of a licensee who contravenes any of the provisions of this Act.

Suspension
of licences

9. Subsection 2 of section 48 of *The Mining Act* is repealed.

Rev. Stat.,
c. 236, s. 48,
subs. 2,
repealed

10. Section 50 of *The Mining Act* is amended by striking out the words "Except in a special mining division" at the commencement thereof and by numbering clauses *a*, *b*, *c*, *d*, *e* and *f* as subsections 1, 2, 3, 4, 5 and 6, respectively.

Rev. Stat.,
c. 236, s. 50,
amended

11. Section 51 of *The Mining Act* is repealed.

Rev. Stat.,
c. 236, s. 51
repealed

12. Section 54 of *The Mining Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 236, s. 54,
re-enacted

54. A licensee shall not stake out and apply for more than ninety mining claims in a licence year, but not more than eighteen of such mining claims may be staked out and applied for in one mining division or in territory not included in a mining division.

Number of
claims per
licensee

13.—(1) Subsection 1 of section 55 of *The Mining Act* is amended by striking out the words "A mining claim shall be staked out" at the commencement thereof and inserting in lieu thereof the words "A licensee shall stake out a mining claim", so that the subsection, exclusive of the clauses, shall read as follows:

Rev. Stat.,
c. 236, s. 55,
subs. 1,
amended

(1) A licensee shall stake out a mining claim,

Staking out

.

(2)

Rev. Stat.,
c. 236, s. 55,
subs. 1,
cls. b, c,
re-enacted

(2) Clauses *b* and *c* of subsection 1 of the said section 55 are repealed and the following substituted therefor:

- (b) by writing or placing on No. 1 post his name, the letter and number of his licence, the date and hour of the commencement of staking out, and, if the claim is situated in a township surveyed into lots, quarter-sections or subdivisions of a section, the part thereof comprised in the claim, mentioning the lot and concession or the section by number;
- (c) by writing or placing his name and the letter and number of his licence on No. 2, No. 3 and No. 4 posts; and

.

Rev. Stat.,
c. 236, s. 58,
subs. 1,
cl. b,
amended

14.—(1) Clause *b* of subsection 1 of section 58 of *The Mining Act* is amended by striking out the word “and” at the end of subclause iii and by adding thereto the following subclause:

- (v) the inscriptions or markings on the corner posts and on the witnesses posts, if any; and

.

Rev. Stat.,
c. 236, s. 58,
subs. 3, 4,
re-enacted;
subs. 5,
repealed

(2) Subsections 3, 4 and 5 of the said section 58 are repealed and the following substituted therefor:

- (3) The licensee shall submit with his application and sketch or plan a certificate, verified by affidavit, in the prescribed form stating,

Certificate
to accom-
pany appli-
cation

- (a) that he has staked out the claim in accordance with this Act;
- (b) that the distances given in his application and sketch or plan are as accurate as they could reasonably be ascertained;
- (c) that all other statements and particulars set forth in the application and shown on the sketch or plan are true and correct;
- (d) that at the time of staking there was nothing upon the lands to indicate that they were not open to be staked and that he believes they were so open;
- (e) that the staking is valid and should be recorded; and

(f)

(f) that there are upon the lands staked no buildings, clearings or improvements for farming or other purposes, except as set forth in the certificate.

- (4) The recorder or the Judge may, after a hearing, cancel the recording of the claim of a licensee who knowingly makes a false statement in his application under subsection 1 or in his certificate under subsection 3. Cancellation of recording

15. Subsection 1 of section 67 of *The Mining Act* is amended by adding at the end thereof the words "but in no case shall any licensee be entitled to more than eighteen free assay coupons in a licence year", so that the subsection shall read as follows: Rev. Stat., c. 236, s. 67, subs. 1, amended

- (1) Every licensee who stakes out and records a mining claim may obtain from the recorder two free assay coupons on recording it and two additional free assay coupons on recording each forty days work thereafter and on forwarding or delivering, charges prepaid, samples from the mining claim to the Provincial Assayer, Toronto, together with the required number of coupons, as provided in the regulations, shall be entitled to have such samples assayed without charge, but in no case shall any licensee be entitled to more than eighteen free assay coupons in a licence year. Free assays

16.—(1) Subsection 1 of section 70a of *The Mining Act*, as enacted by section 5 of *The Mining Amendment Act, 1954*, is amended by inserting after the word "establishment" in the first and second lines the words "or extension", so that the subsection shall read as follows: Rev. Stat., c. 236, s. 70a, (1954, c. 53, s. 5), subs. 1, amended

- (1) Where the Minister recommends the establishment or extension of a townsite on an unpatented mining claim, the Lieutenant-Governor in Council may reserve the surface rights on any such claim or parts of any such claim as may be necessary for townsite purposes. Townsites on unpatented claims

(2) Subsection 1 of the said section 70a, as amended by subsection 1, applies whether or not the claim was staked before the subsection came into force. Application of Rev. Stat., c. 236, s. 70a, subs. 1

17.—(1) Subsection 3 of section 80 of *The Mining Act*, as amended by section 5 of *The Mining Amendment Act, 1953*, is further amended by striking out the word "affidavit" in the fourth line and inserting in lieu thereof the word "certificate", so that the subsection shall read as follows: Rev. Stat., c. 236, s. 80, subs. 3, amended

Report of
holder
upon work

- (3) The recorded holder of a mining claim shall, not later than ten days after each of the periods specified, make a report in the prescribed form as to the work done or caused to be done by him during such period, verified by certificate in the prescribed form, and the report shall show in detail,

- (a) the location, nature and extent of the work;
- (b) the names and addresses of the men who performed the work; and
- (c) the dates upon which each man worked in its performance,

and in the case of diamond or other core drilling, the report shall be accompanied by a core log in duplicate indicating the footages of the rock types encountered, and the angle and direction of the drill hole and by a sketch or plan in duplicate fixing the location of the drill hole in relation to the corner posts of the claim.

Rev. Stat.,
c. 236, s. 80
subs. 6, re-
enacted;
subs. 7,
repealed

- (2) Subsections 6 and 7 of the said section 80 are repealed and the following substituted therefor:

Work to be
performed
on claims

- (6) A licensee may perform, or cause to be performed, on one or more unpatented claims all of the work required to be performed in respect of not more than eighteen contiguous claims recorded in his name, and the reports of work and certificates to be filed in respect of the work shall indicate the claim or claims on which the work was performed and the claim or claims upon which it is to be applied.

Rev. Stat.,
c. 236, s. 81,
subs. 3,
amended

- 18.**—(1) Subsection 3 of section 81 of *The Mining Act* is amended by adding at the commencement thereof the words "Where the length of the drill hole is more than 25 feet", so that the subsection shall read as follows:

Diamond or
other core
drills

- (3) Where the length of the drill hole is more than 25 feet, boring by a diamond or other core drill shall count as work,

- (a) where the core from the drill is less than $\frac{7}{8}$ of an inch in diameter, at the rate of one day's work for each 2 feet of boring; and
- (b) where the core from the drill is $\frac{7}{8}$ of an inch or more in diameter, at the rate of one day's work for each foot of boring.

(2) The said section 81 is amended by adding thereto the following subsection: Rev. Stat., c. 236, s. 81, amended

(3a) Boring by other than core drill to a depth greater than 1,000 feet may be counted as work at the rate of one day's work for each two feet of drilling, Boring by other than core drill

(a) if the Minister issues a permit in the prescribed form authorizing such work;

(b) if the permit is filed in the office of the recorder before the work is commenced; and

(c) if the recorded holder files with the report required under subsection 3 of section 80 a log in duplicate indicating the footages of the types of rock, earth or other substances penetrated and the angle and direction of the drill hole and a sketch or plan in duplicate fixing the location of the drill hole in relation to the corner posts of the claim.

19. Section 97 of *The Mining Act* is amended by adding thereto the following subsections: Rev. Stat., c. 236, s. 97, amended

(3) Where the holder of a mining claim is entitled to receive a patent of the claim under subsection 1, he may apply instead for a lease of the claim for a term of ten years at a rental payable in advance of \$1 an acre for the first year and 25 cents an acre for each subsequent year, but the minimum rental for a claim shall be \$10 for the first year and \$5 for each subsequent year. Holder may apply for lease

(4) Every lease under subsection 3 is renewable in perpetuity for terms of ten years and every renewal shall be dated from the day following the expiration of the lease or the last renewal thereof if application therefor is made within ninety days of the expiration of the lease or the last renewal thereof or such further period as the Minister may, in the circumstances of the case, deem proper. Lease renewable

(5) Subsections 2a, 3, 4 and 5 of section 47 apply *mutatis mutandis* to leases and renewals thereof under sections 3 and 4. Application of s. 47, subs. 2a, 3, 4, 5

20.—(1) Subsection 1 of section 98 of *The Mining Act* is repealed and the following substituted therefor: Rev. Stat., c. 236, s. 98, subs. 1, re-enacted

Price to
be paid for
patent

- (1) The price per acre of Crown lands patented as mining claims is \$6 in surveyed territory and \$5 in unsurveyed territory, and the price per acre for mining rights so patented is one-half the price payable for Crown lands.

Rev. Stat.,
c. 236, s. 98,
subs. 3,
amended

- (2) Subsection 3 of the said section 98 is amended by striking out the symbol and figures "\$2.50" in the fourth line and inserting in lieu thereof the symbol and figure "\$5", so that the subsection shall read as follows:

Purchase
price

- (3) Where it is deemed necessary by the Minister under section 106 that a mining claim in surveyed territory shall be surveyed, the purchase price of the claim shall be at the rate of \$5 per acre.

Rev. Stat.,
c. 236, s. 99,
re-enacted

- 21.** Section 99 of *The Mining Act* is repealed and the following substituted therefor:

Reservation
for roads

- 99.—(1) Every patent or lease issued under this Act shall contain a reservation for road purposes of 10 per cent of the surface rights of the land granted or leased, as the case may be, and the Crown or its officers or agents may lay out and construct roads where deemed proper on the lands so granted or leased.

Subs. 1 not
to apply to
mining
rights

- (2) Subsection 1 does not apply to patents or leases of the mining rights only.

Rev. Stat.,
c. 236, s. 103,
re-enacted

- 22.** Section 103 of *The Mining Act* is repealed and the following substituted therefor:

Reservation
of trees and
right of
entry

- 103.—(1) Every patent or lease of Crown lands issued under this Act shall contain a reservation to the Crown of all timber and trees standing, being or hereafter found growing upon the lands thereby granted or leased, and of the right to enter upon such lands to carry on forestry, to cut and remove any timber or trees thereon, and to make necessary roads for such purposes.

Exercise of
rights
reserved

- (2) The rights reserved in subsection 1 may be exercised by any person holding a licence or permit from the Crown when authorized to do so by the Minister of Lands and Forests.

Ownership
of trees
remains in
Crown

- (3) All timber and trees on Crown lands that have been staked out and recorded under this Act remain the property of the Crown, and the Crown may enter

upon

upon such lands to carry on forestry, to cut and remove any timber or trees thereon and to make necessary roads for such purpose.

- (4) Notwithstanding subsections 1 and 3 and subject to subsections 5 and 6, the recorded holder of a mining claim staked on Crown lands or the owner or lessee of lands acquired under this Act may cut such trees on the lands so staked or acquired as may be necessary for building, fencing or fuel purposes or for any other purpose necessary for the development or working of the minerals thereon. Conditions under which holder, owner or lessee may cut trees
- (5) Where a licence or permit from the Crown to cut timber on the land has not been granted, the recorded holder, owner or lessee may, on application to the Minister of Lands and Forests, be granted permission to cut and use the trees for the purposes mentioned in subsection 4 either without payment or on such terms and conditions as the Minister of Lands and Forests may impose. Idem
- (6) Where a licence or permit from the Crown to cut timber on the lands has been granted, the recorded holder, owner or lessee shall compensate the timber licensee or permittee for the trees cut or used by him. Idem
- (7) Where a dispute arises between the recorded holder, owner or lessee and the timber licensee or permittee as to the value or quantity of the trees cut or used under subsection 6, the Minister of Lands and Forests shall determine the dispute and his decision is final. Determination of disputes
- (8) This section does not confer upon the recorded holder, owner or lessee of the mining rights any right to cut trees upon the lands on which he has staked or acquired only the mining rights. Holder, etc., of mining rights not to cut trees

23. Section 180 of *The Mining Act* is amended by adding thereto the following subsection: Rev. Stat., c. 236, s. 180, amended

- (2) Every person who knowingly makes a false statement in any application, certificate, report, statement or other document filed or made as required by or under this Act or the regulations is guilty of an offence and on summary conviction is liable to a penalty of \$500, or to imprisonment for a term of not more than six months, or both. False statement

24. *The Mining Act* is amended by adding thereto the following Part: Rev. Stat., c. 236, amended

PART XIII

ACREAGE TAX

- | | |
|------------------------------|---|
| Interpre-
tation | 206. In this Part, "municipality" means city, town, village, township or improvement district. |
| Amount of
tax | 207.—(1) There shall be paid to the Crown in right of Ontario in each year an acreage tax of 10 cents an acre on any lands or mining rights to which this Part applies. |
| Minimum
tax | (2) The minimum acreage tax is \$1 a year in a municipality and \$4 a year in territory without municipal organization. |
| Date of
payment
of tax | 208. The acreage tax shall be imposed for each calendar year and is payable on or before the 1st day of October in the year for which it is imposed. |
| Lands
liable
for tax | 209.—(1) Except as provided in this Part, <ul style="list-style-type: none">(a) all lands and mining rights in territory without municipal organization held either mediately or immediately under patent or lease acquired under or pursuant to any statute, regulation or law at any time in force authorizing the granting or leasing of Crown lands for mining purposes;(b) all land in territory without municipal organization being held or used for mining purposes howsoever patented or alienated from the Crown;(c) all mining rights in, upon or under lands in a municipality patented or leased under or pursuant to any statute, regulation or law at any time in force authorizing the granting or leasing of Crown lands for mining purposes;(d) all mining rights in, upon or under land in a municipality and being held or used for mining purposes howsoever patented or alienated from the Crown; and(e) all mining rights howsoever patented or acquired which are severed from or held apart or separate from the surface rights, |

are liable for, and the owner or lessee thereof shall pay the acreage tax.

(2) No acreage tax is payable,

Lands
exempt
from tax

(a) in respect of mining rights in, upon or under any land in a municipality, or any land and mineral rights in territory without municipal organization, where the land,

(i) has been subdivided into lots or parcels for city, town, village or summer resort purposes, or

(ii) is being actually used for public park, educational, religious or cemetery purposes,

but this clause does not exempt the mining rights from taxation on lots or parcels of more than two acres in area where the mining rights are severed or held apart or separate from the surface rights;

(b) in respect of the mining rights in, upon or under any land being held, used or developed solely for the production of natural gas or petroleum situated south of the French River, Lake Nipissing and the Mattawa River including the Territorial District of Manitoulin;

(c) in respect of any land where the owner has executed and filed with the Minister a conveyance to the Crown of the mining rights in, upon and under the land; and

(d) in respect of mining lands or mining rights granted by the Crown under lease or renewal lease issued on or after the 1st day of June, 1953.

210.—(1) The Minister may exempt such lands as are in *bona fide* use for farming or agricultural purposes from the tax under this Part, but the exemption does not apply to the mining rights that are severed or held apart or separate from the surface rights.

Lands used
for agricul-
tural
purposes
may be
exempted

(2) The decision of the Minister as to the right of exemption under subsection 1 is final and conclusive.

Decision of
Minister
final

211. Where the Minister is satisfied that the surface rights in respect of a mining claim or mining location

Cases where
mining
rights tax-
able only

are

are being used for purposes other than that of mining or the mineral industry, this Part applies only to the mining rights.

Preparation
of tax roll

212. The Deputy Minister shall cause to be prepared each year a tax roll of the lands and mining rights and persons liable to the acreage tax.

Tax bills
to be sent
out before
June 1st

213. The Deputy Minister shall, on or before the 1st day of June in the year for which the tax is payable, cause to be sent to every owner or lessee of land or mining rights subject to the acreage tax a tax bill showing the amount of the tax payable, the lands or rights to which it is applicable, and such other information as may be prescribed.

When tax
bill deemed
to be
delivered

214. A tax bill shall be deemed to be delivered to an owner or lessee of land or mining rights subject to the acreage tax, or to his agent or representative, if it is mailed post paid to the last known address in the Department of the owner, or lessee, or his agent or representative.

Registra-
tion of
notice of
liability
and for-
feiture

215. The Deputy Minister may register in the proper registry or land titles office a notice of liability to taxation and forfeiture, in the prescribed form, in respect of any lands or mining rights subject to the acreage tax.

Liability
for tax
though not
on roll

216. Notwithstanding section 212, every person and property liable to the acreage tax is liable whether entered in the tax roll or not, and the tax is, without any notice or demand, payable at the time and in the manner provided by this Part.

Mining
Court to
settle
dispute
as to
liability

217. Where any question or dispute arises as to the liability of any person or property to taxation under this Part, the Minister may, in writing, refer the question or dispute to the Mining Court for investigation and adjudication.

Procedure
to enforce
claim for
payment of
taxes by one
co-owner
against
another

- 218.—(1) Where lands or mining rights liable to acreage tax are held by two or more co-owners and the whole of the taxes have been paid by one or more of the co-owners and the other co-owner or co-owners has or have neglected or refused to pay his or their proportion of the taxes for a period of four years, the Mining Court, upon the application of the co-owner or co-owners who have paid the taxes, may make an order requiring the delinquent co-owner or co-owners to pay, within three months from the date

of the order or such further time as the Court fixes, their proper proportion of the taxes to the co-owner or co-owners who have paid them, together with interest at the rate of 6 per cent per annum compounded yearly, and such costs of the application as may be allowed by the Court.

- (2) The order shall be served in such manner as the Court directs, and if at the expiration of the period fixed by the order it appears to the Court that payment has not been made in accordance therewith, the Court may make an order vesting the interest of the delinquent co-owner or co-owners in the co-owner or co-owners who have paid the taxes, and that order shall be registered in the proper registry or land titles office and a duplicate original thereof forwarded by the Court to the Minister. Service of order
- (3) Any order made against an incorporated company under this section shall be directed to the company only. Service of order on company
- (4) For the purpose of this section, two or more co-holders or co-lessees shall be deemed to be co-owners, and an incorporated company and a shareholder therein shall be deemed to be co-owners of the lands of the company. Interpretation
- 219.—(1) The Deputy Minister shall cause to be prepared between the 1st day of October and the 31st day of December in each year a list of all lands and mining rights in respect of which any acreage tax is two years or more in arrear, and, not later than the 30th day of April next following, shall cause to be sent by registered mail, a notice to the person appearing from search or inquiry at the registry or land titles office to be the owner or lessee of the property in default and to every person appearing from that search or inquiry to have an interest therein, stating that unless the total amount of tax and penalties due and payable under this Part are paid on or before the 31st day of December next following, the property will be forfeited to and vested in the Crown on the 1st day of January next following; and to the amount so due and payable there shall in every case be added and paid as costs, the sum of \$5 for each property. Defaulters' list and notice of forfeiture
- (2) Not later than the 31st day of May in each year, the Deputy Minister shall cause the list prepared under subsection 1 to be published in one issue of *The* Publication of list and notice

Ontario Gazette and in one issue of a newspaper published in the district or county in which the property is situate, giving notice that unless the total amount of acreage tax, penalties and costs shown therein are paid on or before the 31st day of December next following, the property will be forfeited to and vested in the Crown on the 1st day of January next following.

Declaration
of for-
feiture

- (3) Where the total amount of acreage tax, penalties and costs remain unpaid after the 31st day of December of the year of publication of the notice mentioned in subsection 2, the Minister by certificate, in the prescribed form, may, on or after the 1st day of January next following, declare the lands or mining rights, and every interest therein, forfeited to and vested in the Crown, and thereupon the lands or mining rights, and every interest therein, vest in the Crown absolutely freed and discharged from every estate, right, title, interest, claim or demand therein or thereto whether existing, arising or accruing before or after such forfeiture is declared.

Not open
to staking

- (4) Except as provided in subsection 7, lands and mining rights so forfeited are not open for prospecting, staking out, sale or lease under this Act or for disposition under *The Public Lands Act*.

Rev. Stat.,
c. 309

Registra-
tion of
certificate

- (5) The registrar of the registry division in which any land or right mentioned in a certificate of forfeiture made under subsection 3 is situate, or the local master of titles, as the case may be, shall, upon receipt of the certificate, duly register it and it is absolute and conclusive evidence of the forfeiture to the Crown of the land or mining rights so certified to be forfeited and is not open to attack in any court by reason of the omission of any act or thing leading up to the forfeiture.

Rev. Stat.,
cc. 336, 197
not to
apply to
forfeited
lands

- (6) Upon registration of the certificate of forfeiture in the registry or land titles office, *The Registry Act* or *The Land Titles Act*, as the case may be, ceases to apply to the land forfeited, and the registrar or local master of titles shall note that fact in his register in red ink.

Opening
forfeited
lands, etc.,
for pros-
pecting

- (7) The lands and mining rights forfeited to and vested in the Crown under this Part that are mentioned in a notice published in one issue of *The Ontario Gazette*

during

during May of any year shall be open for prospecting, staking out, sale or lease under this Act or for disposition under *The Public Lands Act* at and after 7 o'clock standard time in the forenoon of the 1st day of June next following.

220. Any person duly authorized by the Minister in writing may, for the purpose of ascertaining the names and addresses of owners or lessees of land or mining rights liable to taxation under this Part, search and inspect registry books, indexes and documents in registry and land titles offices, and no charge is to be made by and no fee is payable to a registrar or master of titles for any such search or inspection. Right to search registry and land titles office free of charge
221. Where any lands or mining rights have been forfeited to the Crown under this Part, the owner or lessee may take from them any machinery, chattels or personal property, and any ore or mineral he may have extracted therefrom belonging to him, within six months after the forfeiture or within such further time as may be fixed by the Mining Court, and in default of so doing, all such machinery, chattels, personal property, ore or mineral belongs to the Crown in right of Ontario. Machinery and property may be removed upon forfeiture
- 222.—(1) The Lieutenant-Governor in Council may by order revoke, cancel or annul the forfeiture of any lands or mining rights under this Part, and the Deputy Minister shall cause the order to be registered in the proper land titles office or registry office and thereupon the lands or mining rights revert in the owner or lessee of the lands or mining rights at the time of forfeiture, his heirs, successors or assigns, subject to any lien, mortgage or charge entered or registered prior to the forfeiture and still outstanding. Annulment of forfeiture
- (2) Where application is made for an order under subsection 1, the Minister may direct the lands or mining rights described in the application to be withdrawn from prospecting, staking out, sale or lease until the disposition of the application. Withdrawal of lands from prospecting, etc.
- 223.—(1) Where the acreage tax is not paid within the time prescribed, a penalty of 6 per cent compounded yearly shall be added thereto forthwith and in each year thereafter that the tax remains unpaid, and for all purposes the increased amounts shall be and become the tax due and payable under this Part. Six per cent to be added for default

Record of
arrears
to be kept

- (2) The Deputy Minister, or such other person as may be directed by the Minister, shall keep a record of all arrears of acreage taxes with the increased amounts from time to time entered thereon.

Special
lien and
priority
of the
tax

224. All taxes, penalties and costs payable under this Part constitute a special lien on the lands or mining rights against which the tax under this Part is levied in priority to every claim, privilege, lien or encumbrance of any person, whether the right or title of that person has accrued before, or accrues after, the attaching of the special lien, and its priority is not lost or impaired by any neglect, omission or error of any official, officer or person, or by want of registration, and the special lien may be realized by action for sale of any or all property subject to it.

Right of
action

225. If an owner or lessee of lands or mining rights fails to pay the acreage tax on his lands or mining rights when due, the Minister may bring action in any court of competent jurisdiction for the recovery of the tax together with penalties and costs.

Rev. Stat.,
c. 236,
Sched.,
items 3, 5-7,
re-enacted

25.—(1) Items 3, 5, 6 and 7 of the Schedule to *The Mining Act* are repealed and the following substituted therefor:

3. The fee for a miner's licence, or renewal thereof, for a company shall be based on its authorized capital, as follows:
- (a) Where the authorized capital does not exceed \$50,000 or 50,000 shares of no par value.....\$25.00
 - (b) Where the authorized capital exceeds \$50,000 or 50,000 shares of no par value but does not exceed \$1,000,000 or 1,000,000 shares of no par value 50.00
 - (c) Where the authorized capital exceeds \$1,000,000 or 1,000,000 shares of no par value.....100.00
4. For recording each boring permit staked out by a licensee.. 10.00
5. For recording each claim of the first nine claims in a mining division..... 5.00
and for each additional claim..... 10.00
6. For examining claim record book, per claim..... .25
7. For inspecting any document filed with a mining recorder.. .25

Rev. Stat.,
c. 236,
Sched.,
item 13,
re-enacted

(2) Item 13 of the said Schedule is repealed and the following substituted therefor:

13. For filing a transfer of the whole of or any interest in a mining claim.....\$ 5.00
- 13a. For filing an agreement, power of attorney or revocation thereof, copy of writ of execution, discharge of execution or any other instrument affecting any recorded claim, right or interest, per claim..... 2.00

(3) Item 17 of the said Schedule is repealed.

Rev. Stat.,
c. 236,
Sched.,
item 17,
repealed

(4) Item 24 of the said Schedule is repealed and the following substituted therefor:

Rev. Stat.,
c. 236,
Sched.,
item 24,
re-enacted

24. For filing an application for a mining claim under section 61.....\$10.00

26.—(1) The provisions of *The Mining Tax Act* apply to the tax payable under section 14 of that Act in the year 1954 and earlier years and the provisions of section 24 apply thereafter.

Application
of Rev. Stat.,
c. 237

(2) The tax payable under section 14 of *The Mining Tax Act* which is, under section 3 of that Act, deemed to accrue on the 31st day of December, 1954, is not payable in the year 1955.

Idem

27. Section 24 shall be deemed to have come into force on the 1st day of January, 1955.

Commence-
ment

28. This Act may be cited as *The Mining Amendment Act, 1955*.

Short title

CHAPTER 46

An Act to amend The Mining Tax Act

Assented to March 31st, 1955
Session Prorogued March 31st, 1955

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of section 3 of *The Mining Tax Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 237, s. 3,
cl. *b*,
re-enacted

(*b*) not later than the 1st day of October in each year in respect of the tax payable under section 27.

2.—(1) Subsection 3 of section 4 of *The Mining Tax Act* is amended by striking out the words “the year’s output” in the third line and inserting in lieu thereof the words “the output during the calendar year”, so that the subsection, exclusive of the clauses, shall read as follows:

Rev. Stat.,
c. 237, s. 4,
subs. 3,
amended

(3) The annual profits shall be ascertained and fixed in the following manner, that is to say: the gross receipts from the output during the calendar year of the mine, or in case the ore, mineral or mineral-bearing substance or any part thereof is not sold, but is treated by or for the owner, holder, lessee, tenant, occupier or operator of the mine upon the premises or elsewhere, then the actual market value of the output at the pit’s mouth, or if there is no means of ascertaining the market value, or if there is no established market price or value, the value of the same as appraised by the mine assessor shall be ascertained, and from the amount so ascertained, the following, and no other, expenses, payments, allowances or deductions shall be deducted and made, that is to say:

Ascertain-
ment of
profits

(2) Clauses *h* and *i* of subsection 3 of the said section 4 are repealed and the following substituted therefor:

Rev. Stat.,
c. 237, s. 4,
subs. 3,
cls. *h*, *i*,
re-enacted

(*h*) an allowance for annual depreciation of not less than 5 per cent and not more than 15 per cent for any

calendar

calendar year of the value, at the commencement of output, of the usable plant, machinery, equipment and buildings, exclusive of any portion of the plant, machinery, equipment and buildings pertaining to processing, together with the cost of additions thereto or replacements thereof, until the full value or cost thereof is depreciated, subject to the following conditions:

- (i) that the value or cost of such plant, machinery, equipment and buildings, or the additions thereto or replacements thereof, is subject to appraisal by the mine assessor,
 - (ii) that, where a portion of such plant, machinery, equipment and buildings becomes unusable, or is sold or otherwise disposed of before the full value or cost thereof is depreciated, the allowance for depreciation thereof ceases at the end of the year in which it became unusable, was sold or otherwise disposed of, and
 - (iii) that the allowance for depreciation of the cost of additions to, or replacements of such plant, machinery, equipment and buildings does not commence until the year following the taking into use thereof;
- (i) subject to the approval of the mine assessor, the expenditures for actual exploration and development work done in Ontario where the work has as its object the finding, testing, or opening up of deposits of metalliferous ore or other solid mineral substances on the following conditions:
- (i) that such expenditures do not include moneys paid in the purchase of, or in acquiring an option to purchase, or in acquiring the right to mine, or an option on the right to mine, such deposits,
 - (ii) that such expenditures are made or borne by the person liable for taxation upon the mine under this Act, and
 - (iii) that separate accounts of such expenditures are kept and furnished in reasonable detail with the annual statement required under section 7.

(3) Clause *a* of subsection 4 of the said section 4, as re-enacted by section 2 of *The Mining Tax Amendment Act, 1952*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 237, s. 4,
subs. 4
(1952 c. 60
s. 2), cl. *a*,
re-enacted

(a) cost of plant, machinery, equipment or buildings except as provided in subsection 3.

(4) Subsection 4 of the said section 4 is amended by adding at the end of clause *d* the word "and" and by adding thereto the following clause:

Rev. Stat.,
c. 237, s. 4,
subs. 4
(1952
c. 60, s. 2),
amended

(e) cost of development of the mine liable for taxation under this Act prior to the commencement of output therefrom.

3. The following sections of *The Mining Tax Act* are repealed:

Rev. Stat.,
c. 237,
ss. 14-24,
repealed

1. Section 14, as amended by section 1 of *The Mining Tax Amendment Act, 1953*.
2. Section 15, as amended by section 4 of *The Mining Tax Amendment Act, 1952*.
3. Sections 16, 17, 18 and 19.
4. Section 20, as amended by section 5 of *The Mining Tax Amendment Act, 1952*.
5. Section 21, as amended by section 6 of *The Mining Tax Amendment Act, 1952*.
6. Section 22.
7. Section 23, as amended by section 7 of *The Mining Tax Amendment Act, 1952*.
8. Section 24.

4. Section 26 of *The Mining Tax Act* is amended by striking out the words "and acreage tax" in the fourth and fifth lines, so that the section shall read as follows:

Rev. Stat.,
c. 237, s. 26,
amended

26. Where by any agreement made before the 20th day of April, 1907, between the owner, holder, lessee, tenant, occupier or operator of a mine and the Crown it is agreed that no tax shall be paid, such mine shall be exempt from the profit tax imposed by this Act.

Mine under
agreement
exempt

5. This Act shall be deemed to have come into force on the 1st day of January, 1955.

Commence-
ment

6. This Act may be cited as *The Mining Tax Amendment Act, 1955*.

Short title

CHAPTER 47

**An Act to amend
The Mothers' Allowances Act, 1952**

*Assented to March 31st, 1955
Session Prorogued March 31st, 1955*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Mothers' Allowances Act, 1952*, as amended by section 2 of *The Mothers' Allowances Amendment Act, 1953* and section 1 of *The Mothers' Allowances Amendment Act, 1954*, is repealed and the following substituted therefor:

2.—(1) Subject to this Act and the regulations, a monthly allowance may be paid to a mother towards the support of her child or children under eighteen years of age residing with her in circumstances under which such child or children would not be cared for properly without the assistance of an allowance, ^{When allowance may be paid}

- (a) who is a widow; or
- (b) whose husband has deserted her or the child or children and he has not been heard of for at least one year; or
- (c) whose husband, by reason of mental or physical disability, is permanently unemployable; or
- (d) who has divorced the father of the child or children and has been awarded custody of them in proceedings in which no provision was made for their maintenance, or if made, the father has failed to carry out his obligations and he has not been heard of for at least one year; and
- (e) who resides in Ontario at the time she makes application for an allowance; and
- (f) who has resided in Ontario for at least one year immediately prior to the date of application for the allowance, or where she was

absent

absent from Ontario for any period of time during that year, the Director is satisfied that the period of absence was of a temporary nature; and

- (g) who continues to reside in Ontario with her dependent child or children, or where she has been given permission in writing by the Director to be absent from Ontario for compassionate or other reasons satisfactory to him, but in no case shall such period of absence exceed ninety-two days in the twelve-month period preceding the return of the mother to Ontario; and
- (h) who, in the opinion of the Director, is a suitable person to receive an allowance.

Allowance
to foster
mother

- (2) A like allowance may be paid to a woman who is resident as required under subsection 1 and who has resident with her one or more foster children under eighteen years of age and who is the grandmother, sister, aunt or other suitable person acting as foster mother of such child or children and who has not adequate means to care properly for such child or children without an allowance.

Allowance
in cases of
desertion

- (3) Where a mother qualifies for an allowance under clause *b* of subsection 1 and her husband is later found, the Director may, in his discretion, continue payment of the allowance to the mother for a period of not more than three months after the month following that in which the husband is found.

Allowance
for incapa-
citated
husband

- (4) Where a mother qualifies for an allowance under clause *c* of subsection 1,

- (a) an additional allowance may be paid in respect of the husband in the same amount and manner as if the husband were a dependent child, but any allowance paid under this subsection shall cease to be paid when any other allowance paid to the mother under this Act ceases to be paid; and

- (b) where, in the opinion of the Director, the husband may benefit from rehabilitation services under *The Rehabilitation Services Act, 1955*, the Director may recommend the husband for such services and continue payment of the allowance to the mother for a period

of not more than twelve months after the month following that in which the husband commences to receive such services.

- (5) Where a foster mother qualifies for an allowance, <sup>Allowance for per-
manently unemploy-
able father</sup> an additional allowance may be paid in respect of the father of the child or children if he is permanently unemployable and is living with the child or children who are in the care of the foster mother, but any allowance paid under this subsection shall cease to be paid when any other allowance paid to the foster mother under this Act ceases to be paid.
- (6) No allowance shall be paid under this Act in respect of a child under eighteen years of age, other than a <sup>Allowances in respect of
children</sup> child coming within subsection 7 or under school age, unless the child is attending school or is on vacation from school and the Director is satisfied that the child will return to school at the end of the vacation period.
- (7) Notwithstanding subsection 6, an allowance may be <sup>Children under
disability</sup> paid in respect of a child who is unable to attend school by reason of a mental or physical disability, but not after the child becomes eighteen years of age.
- (8) In cases presenting special circumstances and in ^{Special cases} which investigation shows the advisability of an allowance being granted in respect of one or more children dependent upon a mother or foster mother who is not strictly eligible for an allowance under this section, the Lieutenant-Governor in Council may direct the payment of an allowance to such mother or foster mother.
- (9) The Director may, from time to time, vary the <sup>Amount of
allowances in special
cases</sup> amount of any allowance directed to be paid under an Order in Council heretofore made and shall determine the amount of any allowance directed to be paid under an Order in Council hereafter made.
- (10) The provisions of this Act and the regulations <sup>Payment of
allowances in special
cases</sup> respecting the payment of allowances apply to allowances directed to be paid under Orders in Council heretofore or hereafter made. <sup>Commence-
ment</sup>

2. This Act comes into force on the day it receives Royal Assent.

3. This Act may be cited as *The Mothers' Allowances* ^{Short title} Amendment Act, 1955.

CHAPTER 48

An Act to amend The Municipal Act

Assented to March 31st, 1955
Session Prorogued March 31st, 1955

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 12 of *The Municipal Act*, as re-enacted by section 1 of *The Municipal Amendment Act, 1954*, is amended by striking out the words and figures "sub-section 10 of section 14, the provisions of which subsection" in the fifth and sixth lines and inserting in lieu thereof the words and figures "subsections 7, 10, 11 and 13, the provisions of which subsections", so that the subsection shall read as follows:

- (3) Without restricting the generality of subsection 1, the Municipal Board, by any order made upon an application for incorporation or erection or by any subsequent order or orders, may exercise all the powers conferred on it in the case of an amalgamation or annexation by subsections 7, 10, 11 and 13, the provisions of which subsections shall apply *mutatis mutandis*.

2. Section 13 of *The Municipal Act*, as re-enacted by section 1 of *The Municipal Amendment Act, 1954*, is amended by adding thereto the following subsection:

- (3) Where a municipality is divided or redivided into wards under this section, the Municipal Board, notwithstanding any general or special Act, may make all such provisions for the composition of any local board as defined in *The Department of Municipal Affairs Act* and for the number of members to be elected to any such local board from each ward as the Municipal Board may deem necessary.

3. Subsection 10 of section 14 of *The Municipal Act*, as re-enacted by section 1 of *The Municipal Amendment Act, 1954*, is amended by adding thereto the following clause:

- (l) after a public hearing, if the Board is of the opinion that the last revised assessment of an annexed area or any portion thereof is on a higher basis than the last revised assessment of the annexing municipality and is therefore not equitable therewith, direct what percentage of the rates for all purposes to be levied for taxation in the annexing municipality shall be levied in the annexed area or any portion thereof provided that an order under this clause may be made only in respect of the rates to be levied in either the first or the first and second annual levies after the date of the annexation.

Rev. Stat.,
c. 243, s. 24
(1954,
c. 56, s. 1),
subs. 35,
amended

4. Subsection 35 of section 24 of *The Municipal Act*, as re-enacted by section 1 of *The Municipal Amendment Act, 1954*, is amended by striking out the words "as equalized" in the first line and by inserting after the word "assessments" in the second line the words "as equalized", so that the subsection shall read as follows:

Basis for
raising
required
sums

- (35) The assessment of real property and business assessments as equalized in each municipality for the preceding year shall be the basis upon which any rate or sums required to be raised for each of the purposes of the area shall be apportioned.

Rev. Stat.,
c. 243, s. 53,
subs. 1,
amended

5. Subsection 1 of section 53 of *The Municipal Act* is amended by adding at the commencement thereof the words "In a county", so that the subsection shall read as follows:

Councils of
villages and
townships
in counties

- (1) In a county, the council of a village and the council of a township shall consist of a reeve, a deputy reeve where so entitled, and a sufficient number of councillors to make up five in all, and they shall all be elected by general vote.

Rev. Stat.,
c. 243, s. 59,
amended

6. Section 59 of *The Municipal Act* is amended by striking out the words and figures "sections 62, 63 and 64" in the first line and inserting in lieu thereof the words and figures "sections 62 and 63".

Rev. Stat.,
c. 243, s. 64,
repealed

7. Section 64 of *The Municipal Act* is repealed.

Rev. Stat.,
c. 243, s. 68,
repealed

8. Section 68 of *The Municipal Act* is repealed.

Rev. Stat.,
c. 243, s. 70,
subs. 4,
amended

9. Subsection 4 of section 70 of *The Municipal Act* is amended by striking out the words "attached thereto" in the second line, so that the subsection shall read as follows:

When
proposed
candidate
absent

- (4) When a proposed candidate is not present, his nomination paper shall not be valid unless there is

evidence

evidence satisfactory to the returning officer that he consents to be so nominated.

10. Section 77 of *The Municipal Act*, as amended by section 6 of *The Municipal Amendment Act, 1951*, is repealed and the following substituted therefor: Rev. Stat.,
c. 243, s. 77,
re-enacted

- 77.—(1) Notwithstanding any general or special Act, the council of a local municipality may by by-law provide that thereafter the term of office of members of the council of the municipality shall be two years. Two-year
term
- (2) A by-law passed under subsection 1 may provide, Biennial
elections:
staggered
system
- (a) for biennial elections, in which case an election shall be held every two years; or
- (b) for the staggered system of elections in which case an election shall be held every year.
- (3) Where the by-law provides for biennial elections, all the members of council elected at the election next after the passing of the by-law and thereafter shall hold office for a two-year term. Biennial
elections
- (4) Where the by-law provides for the staggered system, Staggered
system
- (a) the mayor, the reeve and the deputy reeve or deputy reeves elected at the election next after the passing of the by-law and thereafter shall hold office for a two-year term;
- (b) the one-half of the members of the board of control, other than the mayor, receiving the highest number of votes at the election next after the passing of the by-law shall remain in office for a two-year term and the other one-half shall remain in office for a one-year term and thereafter each member of the board of control shall be elected for a two-year term;
- (c) where other members of council are elected by general vote, the one-half, or in the case of an uneven number the majority, of such members receiving the highest number of votes at the election next after the passing of the by-law shall remain in office for a two-year term and the remainder shall remain in office for a one-year term and thereafter each member shall be elected for a two-year term;

(d)

(d) where other members of council are elected by wards and two or more members other than a deputy reeve are elected in a ward, the one-half, or in the case of an uneven number the majority, of such members receiving the highest number of votes in the ward at the election next after the passing of the by-law shall remain in office for a two-year term, and the remainder shall remain in office for a one-year term, and thereafter each member shall be elected for a two-year term;

(e) where other members of council are elected by wards and only one member other than a deputy reeve is elected in a ward, the member elected in the ward at the election next after the passing of the by-law shall remain in office for a one-year term and thereafter the member for the ward shall be elected for a two-year term.

Acclama-
tions

(5) Where a by-law providing for the staggered system is passed and the full number of members of the board of control, or the full number of members to be elected by general vote, or the full number of members to be elected in a ward, are elected by acclamation at the election next after the passing of the by-law, the affected members so elected may at the first meeting of the new council agree as to which of them shall remain in office for a two-year term and which for a one-year term, and failing agreement the question shall be determined by lot cast by the clerk in the presence of the members, and in either case the result shall be entered in the minutes.

Local boards

(6) Where a by-law has been or is passed under subsection 1, the council may by by-law passed not later in the year than the 1st day of November provide that every elected member of any local board as defined in *The Department of Municipal Affairs Act* that is designated in the by-law shall, notwithstanding any general or special Act, be elected at the same time and hold office for the same term as the members of the council and, where the power conferred by this subsection is exercised in respect of any local board, all the elected members of such board in office when the by-law is passed shall cease to hold office at the end of the year in which the by-law is passed and subsection 3 or subsections 4 and 5 shall apply *mutatis mutandis*.

Rev. Stat.,
c. 96

- (7) A by-law under subsection 6 shall be passed not later in the year than the 1st day of November, and ^{Time for passing by-law under subs. 6}
- (a) where the by-law under subsection 1 provides for biennial elections, shall be passed in the year in which the by-law under subsection 1 is passed or in any year in which a nomination meeting is to be held in respect of a biennial election;
- (b) where the by-law under subsection 1 provides for the staggered system of elections, may be passed in the year in which the by-law under subsection 1 is passed or in any subsequent year.
- (8) A by-law under subsection 1 and a by-law repealing such a by-law shall be passed not later in the year than the 1st day of November and shall not be passed unless it has received the assent of the electors. ^{Time for passing by-law; assent of electors}
- (9) Subject to section 77a, where a by-law passed under subsection 1 is repealed, the members of the council and, where the power conferred by subsection 6 has been exercised, the elected members of any local board affected shall cease to hold office at the end of the year in which the repealing by-law is passed and an election shall be held for the members of council and of such local board for the ensuing year and thereafter as if the by-law had not been passed under subsection 1. ^{Repeal}
- 77a.—(1) Notwithstanding any general or special Act, where a by-law providing for biennial elections is in effect in a municipality, the council of the municipality may by by-law repeal such by-law and provide for the staggered system of elections. ^{Change from biennial to staggered system}
- (2) Where a by-law is passed under subsection 1, the members of the council and, where the power conferred by subsection 6 of section 77 has been exercised, the elected members of any local board affected shall cease to hold office at the end of the year in which the by-law is passed and subsections 4 and 5 of section 77 shall apply *mutatis mutandis*. ^{Idem}
- (3) Notwithstanding any general or special Act, where a by-law providing for the staggered system of elections is in effect in a municipality, the council of the municipality may by by-law repeal such by-law and provide for biennial elections. ^{Change from staggered to biennial system}

Idem

- (4) Where a by-law is passed under subsection 3, the members of the council and, where the power conferred by subsection 6 of section 77 has been exercised, the elected members of any local board affected shall cease to hold office at the end of the year in which the by-law is passed and subsection 3 of section 77 shall apply *mutatis mutandis*.

Time for
passing of
by-law;
assent of
electors

- (5) A by-law under subsection 1 or 3 shall be passed not later in the year than the 1st day of November and shall not be passed unless it has received the assent of the electors.

Rev. Stat.,
c. 243, s. 80,
amended

11. Section 80 of *The Municipal Act* is amended by adding at the commencement thereof the words "Except as provided in section 503", so that the section shall read as follows:

Clerk to be
returning
officer for
whole
municipality

80. Except as provided in section 503, the clerk shall be the returning officer for the whole municipality, and if a poll is required, the deputy returning officers shall make to him the returns for their respective wards or polling subdivisions.

Rev. Stat.,
c. 243, s. 81,
subs. 2,
amended

12. Subsection 2 of section 81 of *The Municipal Act* is amended by striking out the words "initial letters of the electors who are to vote therein, that is to say, A to M and N to Z, or as the case may be" in the fifth and sixth lines and inserting in lieu thereof the words "numbers of the lots and concessions or the numbers and names of the streets which designate the properties in respect of which the electors are qualified to vote therein", so that the subsection shall read as follows:

Polling
places to
be provided

- (2) One or more polling places shall be provided for each polling subdivision in accordance with the convenience of the electors, and where there are two or more polling places in a polling subdivision each polling place shall be designated by the numbers of the lots and concessions or the numbers and names of the streets which designate the properties in respect of which the electors are qualified to vote therein.

Rev. Stat.,
c. 243,
amended

13. *The Municipal Act* is amended by adding thereto the following sections:

Composite
ballot
papers
authorized

- 95a.—(1) In place of using separate ballot papers under this Act, the council of a local municipality may by by-law authorize the use at a municipal election or by-election of composite ballot papers which shall contain the names of the candidates for each office

arranged alphabetically in the order of their surnames or if there are two or more candidates for the same office with the same surname, in the order of their given names.

- (2) A composite ballot may contain,

Contents

(a) the names of candidates for the offices of a council, board of education, school board, public utility commission or other board, commission or body the members of which are required to be elected by the electors of the municipality or any one or more of such offices; and

(b) any municipal question or by law on which a vote is to be taken.

- (3) No elector shall be given a composite ballot paper ^{Idem} containing the names of candidates for an office or containing a question or by-law for which he is not entitled to vote.

- (4) Every portion of a composite ballot paper used in ^{Form} place of a separate ballot paper shall conform as closely as can be to the form required for such separate ballot paper under this Act.

95b. In place of using ballot papers under this Act, ^{Voting machines} with the approval of the Department, the council of a local municipality may by by-law authorize the use at a municipal election or by-election of voting machines for one or more polling subdivisions.

14. Subsection 1 of section 102 of *The Municipal Act* is ^{Rev. Stat., c. 243, s. 102, subs. 1, re-enacted} repealed and the following substituted therefor:

- (1) Where the whole or any part of a municipality, or ^{Voters' lists on formation of new corporation, etc.} locality without municipal organization, has been annexed to an urban municipality, or a town with additional territory erected into a city, or a village with additional territory into a town, or a new town or village is erected, and an election takes place before a voters' list including the names of the persons entitled to vote in the municipality annexed or such part of a municipality, locality, territory or for the new town or village is certified, the clerk of the municipality to which the same was added, and in the case of a new town or village, the returning officer shall prepare from the last certified voters' list of the municipality annexed or of the municipality

from

from which such part of a municipality, locality, territory, town or village was or became detached, a supplementary list of voters containing the names of and the other particulars relating to the persons who would have been entitled to vote in the municipality annexed and in such part of a municipality, locality or territory if it had not been so detached.

Rev. Stat.,
c. 243, s. 104,
subs. 1,
amended

15. Subsection 1 of section 104 of *The Municipal Act* is amended by striking out the words "the first and second parts of" in the eighth line, so that the subsection shall read as follows:

Preparation
of list of
defaulters

- (1) In municipalities, the councils of which have passed by-laws under paragraph 65 of subsection 1 of section 388, the treasurer of each local municipality, if the collector's roll has been returned to him or the collector, if the roll has not been so returned, shall, on or before the day fixed for nomination at the annual election, prepare and verify by his declaration and deliver to the clerk an alphabetical list of all persons entered on the voters' list whose taxes in respect of land are overdue and unpaid.

Rev. Stat.,
c. 243, s. 111,
repealed

16. Section 111 of *The Municipal Act* is repealed.

Rev. Stat.,
c. 243,
s. 111a
(1952,
c. 63, s. 8),
subs. 1,
re-enacted

17.—(1) Subsection 1 of section 111a of *The Municipal Act*, as enacted by section 8 of *The Municipal Amendment Act, 1952*, is repealed and the following substituted therefor:

Advance
poll

- (1) A by-law may be passed by the council of a local municipality for providing advance polls for the purpose of receiving the votes of voters who expect to be absent from the municipality, or of election officials who in carrying out their duties as election officials will be unable to attend the poll at which they are entitled to vote, on the day fixed for polling.

Rev. Stat.,
c. 243,
s. 111a
(1952,
c. 63, s. 8),
subs. 8,
re-enacted

(2) Subsection 8 of the said section 111a is repealed and the following substituted therefor:

Declaration
by voter

- (8) Every person offering himself as a voter at the polling place before being allowed to vote shall be required by the deputy returning officer to make one of the following declarations which shall be kept by the deputy returning officer with the other records of the poll:

I,....., declare that I

- (a) expect to be absent from the municipality of.....; or
- (b) as an election official will be unable to attend the poll at which I am entitled to vote,

on the day fixed for polling.

Dated at
this.....day of
....., 19...

Witness: Signature of Voter

.....
Deputy Returning Officer

Rev. Stat.,
c. 243,
s. 111a
(1952,
c. 63, s. 8),
subs. 17,
re-enacted

Application
of section

(3) Subsection 17 of the said section 111a is repealed and the following substituted therefor:

- (17) This section applies to an election or by-election for a council, board of education, school board, public utility commission or other board, commission or body the members of which are required to be elected by the electors of the municipality and to voting on any by-law and question submitted to the electors under the authority of this or any other general or special Act.

Rev. Stat.,
c. 243, s. 112,
subs. 3,
amended

18. Subsection 3 of section 112 of *The Municipal Act* is amended by striking out the words and figures "Subsections 7, 8, 9, 13 and 14 of section 111" in the first line and inserting in lieu thereof the words and figures "Subsections 4, 5, 6, 10 and 11 of section 111a", so that the subsection shall read as follows:

Application
of s. 111a

- (3) Subsections 4, 5, 6, 10 and 11 of section 111a shall apply and the clerk of the municipality may cause all things to be made, done and provided for the purpose of holding the said poll and ensuring the proper conduct of the election thereat in compliance as nearly as may be with the provisions of this Act respecting elections.

Rev. Stat.,
c. 243, s. 113,
amended

19. Section 113 of *The Municipal Act* is amended by adding at the end thereof the words "until the box is required to be opened for the purpose of counting the votes under section 127", so that the section shall read as follows:

Deputy
returning
officer to
show box
empty to
persons pre-
sent and
then lock
and seal it

113. The deputy returning officer shall, immediately before opening the poll, show the ballot box to such persons as are present in the polling place, so that they may see if it is empty, and he shall then lock the box and place his seal upon it in such a manner as to prevent its being opened without breaking the seal, and he shall keep the box on a desk, counter or table or otherwise so that it is raised above the floor in full view of all present, and shall keep the box so locked and sealed until the box is required to be opened for the purpose of counting the votes under section 127.

Rev. Stat.,
c. 243, s. 128,
amended

20. Section 128 of *The Municipal Act* is amended by adding thereto the following subsection:

Composite
ballots

- (3) Where on a composite ballot paper,

- (a) votes are given for more candidates for any office than are to be elected; or
- (b) votes are given for the affirmative and negative on any by-law or question,

the vote shall be void as regards the candidates for such office or as regards the by-law or question, as the case may be, but shall not affect the votes for any other offices, by-laws or questions in respect of which a vote is correctly indicated.

Rev. Stat.,
c. 243, s. 138,
re-enacted

21. Section 138 of *The Municipal Act* is repealed and the following substituted therefor:

Clerk to
cast up
votes and
declare what
candidates
elected

138. The clerk, after he has received the ballot boxes and other documents referred to in section 133, including the duplicate statements of the number of votes given by each polling place, without opening any of the ballot boxes, shall cast up from such duplicate statements the number of votes for each candidate and at the town hall, or if there is no town hall, at some other public place, at noon on the second day following the day on which the polling is held, shall publicly declare to be elected the candidate or candidates having the highest number of votes, and he shall also put up in some conspicuous place a statement under his hand showing the number of votes for each candidate.

22.—(1) Subsection 1 of section 141 of *The Municipal Act* ^{Rev. Stat., c. 243, s. 141, subs. 1, amended} is amended by striking out the words and figures “city having a population of not less than 100,000” in the fourteenth line and inserting in lieu thereof the words “local municipality”, so that the subsection shall read as follows:

- (1) If, within fourteen days after the declaration by the clerk of the result of the election, upon the application of a candidate or voter it is made to appear by affidavit to a judge of the county or district court of the county or district in which the municipality is situate, that a deputy returning officer, in counting the votes has improperly counted or rejected any ballot paper, or made an incorrect statement of the number of ballots cast for any candidate, or has improperly added up the votes, and if within that time the applicant has given security for the costs in connection with the recount or final addition of the candidate declared elected of such nature and in such amount as may be fixed by the judge, or if at any time within four weeks after such declaration in a local municipality, the council has by resolution declared that a recount or readdition is desirable in the public interest, the judge shall appoint a time and place to recount or readd the votes cast at the election. ^{Application for recount or readdition}

(2) Subsection 2 of the said section 141 is amended by striking out the words and figures “city having a population of not less than 100,000” in the second and third lines and inserting in lieu thereof the words “local municipality divided into wards” and by striking out the words “of such city” in the fifth line, so that the subsection shall read as follows: ^{Rev. Stat., c. 243, s. 141, subs. 2, amended}

- (2) In all cases of a recount or readdition of the ballots cast for candidates elected by general vote in a local municipality divided into wards, the judge may order that the recount or readdition shall be conducted separately in each ward, and for that purpose may appoint for any ward as his deputy, another judge or a barrister of at least ten years standing at the bar of Ontario to recount or readd the votes cast at the election in such ward and a time and place for such recount or readdition to be held, and every such deputy shall for all the purposes of the recount or readdition and in respect to the ward for which he is appointed, have the powers and perform the duties of the judge as hereinafter set out in this section. ^{Deputies in municipalities divided into wards}

23. Section 244 of *The Municipal Act* is amended by adding thereto the following subsections: ^{Rev. Stat., c. 243, s. 244, amended}

Deputy
assessment
commis-
sioner

- (1a) The council of a local municipality may appoint a deputy assessment commissioner who shall have all the powers and duties of an assessment commissioner under this and every other Act.

Acting
assessment
commis-
sioner

- (1b) When the office of the assessment commissioner is vacant or the assessment commissioner is unable to carry out his duties through illness or otherwise, the council of a local municipality may appoint an acting assessment commissioner *pro tempore* who shall have all the powers and duties of the assessment commissioner under this and every other Act.

Rev. Stat.,
c. 243, s. 257,
subs. 1,
re-enacted

24.—(1) Subsection 1 of section 257 of *The Municipal Act* is repealed and the following substituted therefor:

Retirement
allowances

- (1) A council may grant an annual retirement allowance, payable weekly, monthly or otherwise to an employee during his life who has had continuous service for at least twenty years with the municipality or with the municipality and any other municipality or local board as defined in *The Department of Municipal Affairs Act* or any two or more of them and who,

Rev. Stat.,
c. 196

(a) is retired because of age; or

(b) while in the service of any municipality or local board has become incapable through illness or otherwise of efficiently discharging his duties,

provided that no retirement allowance together with the amount of any pension payments payable to the employee in any year under a pension plan of any municipality or local board will exceed three-fifths of his average annual salary for the preceding three years of his service, or \$2,500.

Contribu-
tions by
municipality
or local
board

- (1a) Where a council grants an annual retirement allowance to an employee under subsection 1, any municipality or local board of which he has been an employee, may contribute to such allowance by agreement with the municipality granting the allowance.

Rev. Stat.,
c. 243, s. 257,
subs. 3,
re-enacted

(2) Subsection 3 of the said section 257 is repealed and the following substituted therefor:

Application
of section

- (3) This section shall not apply to an employee who has entered or enters the service of any municipality or local board after the 1st day of January, 1948.

25. Section 262 of *The Municipal Act* is amended by striking out the words "31st day of December in the year for which its members were elected" in the second and third lines and inserting in lieu thereof the words "day the poll is held for the election of the new council for the following year" and by inserting after the word "money" in the fourth line the words "other than that provided in the estimates for the current year", so that the section shall read as follows:

Rev. Stat.,
c. 243, s. 262,
amended

262. The council of a local municipality shall not, after the day the poll is held for the election of the new council for the following year, pass any by-law or resolution for, or which involves, directly or indirectly, the payment of money, other than that provided in the estimates for the current year, or enter into any contract or obligation on the part of the corporation, or appoint to or dismiss from office any officer under the control of the council, or do any other corporate act, except in case of extreme urgency, or unless the act is one which the council is required by law to do.

Certain acts
not to be
done by
councils
after day
poll is held

26. Subsection 9 of section 263 of *The Municipal Act*, as enacted by subsection 2 of section 12 of *The Municipal Amendment Act, 1954*, is amended by inserting after the word "in" in the second line the words "refusing or", so that the subsection shall read as follows:

Rev. Stat.,
c. 243, s. 263,
subs. 9
(1954,
c. 56, s. 12,
subs. 2),
amended

(9) Notwithstanding subsection 4, the decision of a board of commissioners of police in refusing or revoking a licence shall be subject to an appeal therefrom to a judge of the Supreme Court whose decision shall be final.

Appeal from
decision of
police
commission-
ers in licence
matters

27. Subsection 1 of section 264 of *The Municipal Act* is amended by striking out the words "section 81 of *The Telephone Act*" in the second line and inserting in lieu thereof the words "section 62 of *The Telephone Act, 1954*", so that the subsection shall read as follows:

Rev. Stat.,
c. 243, s. 264,
subs. 1,
amended

(1) Subject to section 265, and to section 6 of *The Ferries Act* and to section 62 of *The Telephone Act, 1954*, a council shall not confer on any person the exclusive right of exercising, within the municipality, any trade, calling or business, or impose a special tax on any person exercising it, or require a licence to be taken for exercising it, unless authorized or required by this or any other Act so to do; but the council may require a fee, not exceeding \$1, to be paid to the proper officer for a certificate of compliance with any regulations in regard to the trade, calling or business.

Granting
monopolies
prohibited
Rev. Stat.,
c. 135;
1954, c. 94

Rev. Stat.,
c. 243, s. 267,
re-enacted

28. Section 267 of *The Municipal Act* is repealed and the following substituted therefor:

Borrowing
powers

267. Subject to the limitations and restrictions in this and any other Act, a council may borrow money for the purposes of the corporation, whether under this or any other Act, and may issue debentures therefor.

Rev. Stat.,
c. 243, s. 276,
subs. 1, cl. d,
amended

29. Clause *d* of subsection 1 of section 276 of *The Municipal Act* is amended by striking out the word and letter "clause *d*" in the third line and inserting in lieu thereof the words and letters "clause *d* or *e*", so that the clause shall read as follows:

(*d*) a person who is a municipal elector by reason of being the wife or husband of the person rated or entitled to be rated for land as provided by clause *d* or *e* of subsection 1 of section 58.

Rev. Stat.,
c. 243, s. 298,
subs. 13,
amended

30.—(1) Subsection 13 of section 298 of *The Municipal Act* is amended by striking out the word "shall" in the first line and inserting in lieu thereof the word "may", so that the subsection, exclusive of the clauses, shall read as follows:

Redemption
before
maturity

(13) The by-law may provide that all the debentures or a portion thereof shall be redeemable at the option of the corporation on any date prior to maturity subject to the following provisions:

.

Rev. Stat.,
c. 243, s. 298,
subs. 13,
cl. d,
amended

(2) Clause *d* of subsection 13 of the said section 298 is amended by striking out all the words after the word "and" in the third line and inserting in lieu thereof the words "in a newspaper of general circulation, if any, in the municipality and in such other manner as the by-law may provide", so that the clause shall read as follows:

Publication
of notice

(*d*) At least thirty days prior to the date set for such redemption notice of intention so to redeem shall be published in *The Ontario Gazette* and in a newspaper of general circulation, if any, in the municipality and in such other manner as the by-law may provide.

Rev. Stat.,
c. 243,
amended

31. *The Municipal Act* is amended by adding thereto the following section:

Debentures
payable at
a fixed date

298*b*.—(1) Notwithstanding section 298, with the approval of the Municipal Board, a money by-law may provide that the principal of the debt be made payable at a fixed date with interest payable annually or semi-annually.

- (2) The by-law shall provide for the raising in each year during the currency of the debentures, or any set of them, by a special rate on all the rateable property in the municipality of,
- (a) a specific amount, sufficient to pay the interest on the debentures, or any set of them, when and as it becomes due; and
 - (b) a specific amount which, with the estimated interest, at a rate not exceeding 3 per cent per annum, capitalized yearly, will be sufficient to pay the principal of the debentures, or of any set of them, when and as it becomes due,

to the extent that such sums have not been provided for by any special rate or rates imposed on persons or property made especially liable therefor by the by-law or by any by-law or by-laws passed by the municipality or any other municipality in accordance with any general or special Act.

- (3) Every money by-law passed under this section shall provide that the annual amounts to be raised under clause *b* of subsection 2 shall be paid by the treasurer of the municipality to the Treasurer of Ontario in each year during the term of the debentures on or before the date of the debentures and subsections 2 to 7 of section 327 shall apply to such amounts.

32.—(1) Clause *b* of subsection 3 of section 300 of *The Municipal Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 243, s. 300,
subs. 3, cl. *b*,
re-enacted

- (b) for borrowing money for any of the purposes mentioned in paragraph 13*a*, 29, 48, 51*a*, 51*b*, 52 or 53 of section 386, or in subclause ii or iii of clause *b* of section 387, or in paragraph 63, 84, 85 or 86 of subsection 1 of section 388; or

.

(2) Clause *i* of subsection 3 of the said section 300, as amended by section 17 of *The Municipal Amendment Act, 1954*, is repealed and the following substituted therefor: Rev. Stat.,
c. 243, s. 300,
subs. 3, cl. *i*,
re-enacted

- (i) for borrowing money for any of the purposes mentioned in section 56 or 58 of *The Public Schools Act*, or subsection 1 of section 7, section 29 or subsection 5 of section 33 of *The Secondary Schools and Boards of Education Act, 1954*, or section 42 of *The Public Libraries Act*; or

.

Rev. Stat.,
c. 243, s. 308,
subs. 1,
re-enacted

33. Subsection 1 of section 308 of *The Municipal Act* is repealed and the following substituted therefor:

Yearly rates
to be levied

- (1) The council of every municipality in each year shall levy on the whole of the assessment for real property, business or other assessments made under *The Assessment Act*, according to the last revised assessment roll, a sum equal to the aggregate amount of the rates necessary for payment of the current annual expenditure of the corporation adopted under section 311 and an amount sufficient to pay all debts of the corporation including principal and interest maturing, and the necessary amounts required to be paid into the sinking fund, within the year.

Rev. Stat.,
c. 243, s. 309,
subs. 1,
amended

34. Subsection 1 of section 309 of *The Municipal Act* is amended by striking out the words "and subsection 3 of section 34" in the eleventh line, so that the subsection shall read as follows:

Where rates
to be levied
on full
values

- (1) Notwithstanding anything contained in this or any other general or special Act, or in any order of the Municipal Board, or in any municipal by-law or resolution, or in any contract, or other instrument, a municipal rate levied for any of the purposes set out in paragraph 29 of section 386 or in section 387 or for unemployment relief purposes or for any educational purpose included in the county levy shall be levied upon the full value of all the rateable property in the municipality, and no fixed assessment or partial or total exemption from assessment or taxation shall apply thereto, except as provided in section 4 of *The Assessment Act*.

Rev. Stat.,
c. 24

Rev. Stat.,
c. 243, s. 310,
amended

35. Section 310 of *The Municipal Act* is amended by adding thereto the following subsections:

Power to
vary spe-
cial rate

- (1a) The council of a township may, subject to the approval of the Department, by by-law vary the special rate assessed and levied under subsection 1, but not so as to exceed one-half of one mill.

By-law in
force until
repealed

- (1b) A by-law passed under subsection 1 or 1a shall remain in force until amended or repealed, and it shall not be necessary to pass such by-law annually.

Rev. Stat.,
c. 243, s. 327,
subs. 1,
re-enacted

36.—(1) Subsection 1 of section 327 of *The Municipal Act* is repealed and the following substituted therefor:

Payment of
sinking
funds here-
tofore
established
to Treasurer
of Ontario

- (1) Where a by-law heretofore passed has provided for a sinking fund, the council may by by-law provide that

that the annual amounts levied for such sinking fund together with the earnings thereon and any future amounts levied therefor shall be paid to the Treasurer of Ontario.

(2) Subsection 2 of the said section 327 is amended by striking out the words "and a statement of the amount at the credit of each municipality shall be set forth annually in the Public Accounts of Ontario" in the third, fourth and fifth lines, so that the subsection shall read as follows:

Rev. Stat.,
c. 243, s. 327,
subs. 2,
amended

(2) All money received by the Treasurer of Ontario under the provisions of this section shall form part of the Consolidated Revenue Fund.

Money so
received to
form part
of Consoli-
dated
Revenue
Fund

(3) Subsection 4 of the said section 327 is repealed and the following substituted therefor:

Rev. Stat.,
c. 243, s. 327,
subs. 4,
re-enacted

(4) Where a municipality or a school board is in default in payment of the amount payable in any year into the sinking fund which under the by-law is to be paid to the Treasurer of Ontario,

Retention of
money
payable
to muni-
cipality or
school board
where muni-
cipality in
default

(a) the municipality or school board shall be liable to a penalty of 5 per cent of the amount in respect of which the municipality or school board is in default; and

(b) the Treasurer of Ontario may retain a portion of any money payable to the municipality or school board, equal to the amount in respect of which the municipality or school board is in default together with any penalty to which the municipality or school board is liable and shall credit any portion retained together with the penalty to the municipality or school board, as the case may be.

(4) The said section 327 is amended by adding thereto the following subsections:

Rev. Stat.,
c. 243, s. 327,
amended

(6) Where, in the opinion of the Treasurer of Ontario, there is a surplus standing to the credit of any municipality or school board in the sinking fund held by the Treasurer on its behalf, such surplus shall be used to purchase unmatured debentures for which the sinking fund was established, or if such debentures have been fully paid, the surplus in the sinking fund shall be returned to the municipality or school board and shall form part of the general fund

of the municipality or of the school board, as the case may be.

Deficit

- (7) Where the amount payable by a municipality or school board toward the retirement of the sinking fund debt, together with the earnings thereon, are insufficient to meet the debentures as they fall due, the municipality or school board, as the case may be, shall make up such deficit out of its general fund, notwithstanding that such debentures may have been issued by the municipality for or on behalf of a local board or commission.

Rev. Stat.,
c. 243, s. 386,
amended

37.—(1) Section 386 of *The Municipal Act* is amended by adding thereto the following paragraph:

Agreements
to prevent
damage
by floods

- 13a. For entering into agreements with Her Majesty in right of Ontario and for entering into agreements with one or more municipalities and Her Majesty in right of Ontario to acquire and hold for and on behalf of Her Majesty in right of Ontario any lands and premises in the municipality or in any other municipality for the purpose of preventing damage by floods and for doing all such things as may be deemed necessary for that purpose.

(a) Such lands and premises shall be used and disposed of as directed by the Lieutenant-Governor in Council.

Rev. Stat.,
c. 24

(b) For the purposes of *The Assessment Act* such lands and premises shall be deemed a public park.

Rev. Stat.,
c. 243, s. 386,
par. 50, cl. c,
amended

(2) Clause *c* of paragraph 50 of the said section 386 is amended by striking out all the words after the word "appoint" in the third line and inserting in lieu thereof the words "not less than three and not more than seven resident ratepayers to act on its behalf as a board of management for any undertaking under this paragraph and where the board is composed of five or more persons, at least two shall be members of the council", so that the clause shall read as follows:

- (c) Where land is acquired under this paragraph for park purposes and there is no board of park management the council may appoint not less than three and not more than seven resident ratepayers to act on its behalf as a board of management for any undertaking under this paragraph and where the board is composed of five or more persons, at least two shall be members of the council.

(3) The said section 386 is amended by adding thereto the following paragraphs: Rev. Stat., c. 243, s. 386, amended

51a. For entering into an agreement with one or more municipalities for the purpose of, Joint acquisition and maintenance of public parks

(a) acquiring land for and establishing and laying out a public park within the municipality or within any other municipality; and

(b) maintaining or operating a public park within the municipality or within any other municipality.

51b. For granting aid to another municipality or to a board of park management for the maintenance or operation of a public park outside the municipality. Grants re public parks outside municipality

(4) Paragraph 52 of the said section 386, as amended by subsection 2 of section 15 of *The Municipal Amendment Act, 1951*, subsection 2 of section 15 of *The Municipal Amendment Act, 1952* and subsection 7 of section 20 of *The Municipal Amendment Act, 1954*, is repealed and the following substituted therefor: Rev. Stat., c. 243, s. 386, par. 52, re-enacted

52. For acquiring, establishing, laying out and improving land where vehicles may be parked and for leasing such land and for erecting buildings for such purposes thereon, and for regulating, supervising and governing the parking of vehicles thereon provided a fee is charged and collected for such parking. Municipal parking lots

(a) A by-law under this paragraph may define vehicle for the purposes of the by-law. Definition of vehicle

(b) Land acquired under this paragraph shall be deemed to be a highway for the purposes of paragraph 7 of section 486 and the said paragraph 7 shall apply to such land. Application of s. 486, par. 7

(c) A by-law under this paragraph may provide a procedure for the voluntary payment of penalties out of court in cases where it is alleged that the parking provisions of the by-law have been contravened and if payment is not made in accordance with such procedure section 492 shall apply. Procedure for voluntary payment of penalties out of court

(d) Where a municipality establishes a parking lot or lots or erects buildings thereon for such Reserve fund

purposes

purposes in the municipality at the expense of all of the ratepayers of the municipality, the municipality shall establish a reserve fund and deposit therein the net revenue derived from the operation of all parking facilities operated by or on behalf of the municipality or leased by or on behalf of the municipality for parking purposes, including parking meters on highways.

- (e) Such reserve fund shall be applied,
- (i) firstly, for the payment of interest and principal falling due in each year in respect of any debentures issued for the purposes of this paragraph, and
 - (ii) secondly, for the acquisition, establishment, laying out or improvement of additional parking lots or facilities, and
 - (iii) thirdly, for such other purposes as the Department may approve.
- (f) (i) A by-law passed under the authority of this paragraph may provide, with the approval of the Municipal Board, that the capital cost thereof, or any part thereof, shall be levied against the lands in a defined area in the municipality which in the opinion of the council derive special benefit therefrom, and in that case the by-law shall have appended thereto a schedule establishing the portion of the cost that shall be levied against each parcel of land in the defined area.
- (ii) In determining the portion chargeable to each parcel, regard shall be had to the benefit accruing to that parcel from the establishment of the parking lot, so that the entire cost chargeable to lands in the defined area shall be equitably apportioned among all the parcels in accordance with the benefits received.
 - (iii) Where the capital cost or a part thereof is to be levied as provided in subclause i, the council shall give notice of its application to the Municipal

Levy of
parking lot
cost against
defined area

Board for approval of the by-law to the assessed owner of each parcel of land in the defined area.

- (iv) The Municipal Board shall not approve the by-law if a petition objecting to the levy of the capital cost against the defined area, signed by at least two-thirds of the assessed owners representing at least one-half of the assessed value of the land in the area, is filed with the Board at or prior to the hearing of the application.
- (v) Where a by-law establishing a parking lot provides for levying the capital cost thereof against land in a defined area, the net revenue derived from the operation of such parking lot shall be used to reduce the special levy to be made against the land in the defined area under subclause iii in the proportion the special levy made against each parcel of land bears to the total special levy, and after the debentures have been retired the net revenue derived from the operation of such parking lot shall be paid into the reserve fund set up under clause *d* or if no reserve fund has been set up under clause *d*, a reserve fund shall be set up for the same purposes and such net revenue paid into the fund and applied in accordance with clause *e*.

52a. For establishing an authority to be known as “The ^{Independent parking authority authorized} Parking Authority of the of”, and may entrust to the parking authority the construction, maintenance, control, operation and management of municipal parking facilities within the municipality.

- (a) A parking authority established under this paragraph shall be a body corporate and shall consist of three members, each of whom shall be a resident and ratepayer of the municipality and shall be appointed by the council on the affirmative vote of at least two-thirds of the members of council present and voting, and the members so appointed shall hold office for three years and until their successors are appointed.

(b)

Council
members not
qualified

- (b) No member of the council shall be eligible to be appointed a member of the parking authority.

Vacancies

- (c) Where a vacancy in the parking authority occurs from any cause, the council shall appoint immediately a person, qualified as set out in this section, to be a member, who shall hold office for the remainder of the term for which his predecessor was appointed.

Re-appoint-
ment of
members

- (d) Any member shall be eligible for re-appointment on the expiration of his term of office.

Salary of
members

- (e) The members may be paid such salary or other remuneration as may be fixed by by-law of the council with the approval of the Department.

Powers and
duties of
municipality
transferred
to authority

- (f) Upon the passing of the by-law establishing the parking authority, all the powers, rights, authorities and privileges conferred and duties imposed on the municipal corporation by any general or special Act with respect to the construction, maintenance, operation and management of municipal parking facilities shall be exercised by the parking authority, but subject to such limitations as the by-law may provide.

Power to
fix rates

- (g) The parking authority shall fix rates and charges for the use of parking facilities under its control and management so that the revenue therefrom shall be sufficient to make such parking facilities self-sustaining.

Budget and
expenditures

- (h) The parking authority shall submit to the council its estimates for the current year at the time and in the form prescribed by council and make requisitions upon the council for all sums of money required to carry out its powers and duties, but nothing herein shall divest the council of its authority with reference to providing the money for the purposes of the parking authority, and when money is so provided by the council, the treasurer of the municipality shall, upon the certificate of the parking authority, pay out such money.

Annual
report

- (i) On or before the 1st day of March in each year, the parking authority shall submit its

annual

annual report for the preceding year to council including a complete audited and certified financial statement of its affairs, with balance sheet and revenue and expenditure statement.

- (j) The municipal auditor shall be the auditor of ^{Audit} the parking authority and all books, documents, transactions, minutes and accounts of the parking authority shall, at all times, be open to his inspection.
- (k) The power, right, authority and privilege ^{Debentures} of the council to raise money by the issue of debentures or otherwise for the acquisition of lands or construction of buildings shall not be transferred to the parking authority.
- (l) Upon the repeal of the by-law establishing ^{Abolition of authority} the parking authority, the parking authority shall cease to exist and its undertaking, documents, assets and liabilities shall be assumed by the municipality.

(5) Paragraph 53 of the said section 386 is amended by ^{Rev. Stat., c. 243, s. 386, par. 53, amended} inserting after the word "may" in the eighth line the words "or may not", so that the paragraph, exclusive of the clauses, shall read as follows:

53. Subject to the approval of the Department, for ^{Special undertakings} acquiring, erecting, altering, maintaining, operating or managing or granting aid for the acquisition, erection, alteration, maintenance, operation or management of monuments, memorial windows, tablets, buildings, arenas, auditoriums, parks, recreational areas, health or community centres, playgrounds, athletic fields, stadia, or other places of recreation and amusement within or outside the municipality which may or may not be in commemoration of the persons or any class thereof who served during any war in the armed forces of His Majesty or His Majesty's allies or in the auxiliary or ancillary services of such forces or in the merchant marine or any Corps of (Civilian) Canadian Fire Fighters for service in the United Kingdom.

38. Section 387 of *The Municipal Act*, as amended by ^{Rev. Stat., c. 243, s. 387, amended} section 11 of *The Municipal Amendment Act, 1953*, is further amended by striking out the words "Subject to subsection 3 of section 267" at the commencement thereof, so that the section, exclusive of the clauses, shall read as follows:

387. By-laws may be passed,

.

Rev. Stat.,
c. 243, s. 388,
subs. 1,
par. 11,
amended

39.—(1) Paragraph 11 of subsection 1 of section 388 of *The Municipal Act* is amended by inserting after the word “inspecting” in the first line the words “subject to *The Boilers and Pressure Vessels Act, 1951*”, so that the paragraph shall read as follows:

Regulation,
etc., of
heating
plant and
equipment
1951, c. 7

11. For regulating, controlling and inspecting, subject to *The Boilers and Pressure Vessels Act, 1951*, all hot air, hot water and steam heating plants and equipment, or any classes thereof, and the installation thereof; and for requiring the production of plans of all installations of such plant and equipment and alterations or additions thereto, and for charging fees for the inspection and approval of such plans, and fixing the amount of the fees; and for the issuing of a permit certifying to such approval and for requiring that without such permit no such plant and equipment may be installed, altered or added to.

Rev. Stat.,
c. 243, s. 388,
subs. 1,
par. 91a
(1952,
c. 63, s. 16,
subs. 3),
amended

(2) Paragraph 91a of subsection 1 of the said section 388, as enacted by subsection 3 of section 16 of *The Municipal Amendment Act, 1952*, is amended by adding thereto the following clause:

Use

- (d) For the purposes of this paragraph, a trailer shall be deemed to be in use on every day it is located in the municipality or in the defined area or areas, as the case may be, but this clause does not apply where the trailer is located in the municipality or the defined area or areas only for the purpose of sale or storage.

Rev. Stat.,
c. 243, s. 388,
subs. 1,
par. 109,
amended

(3) Paragraph 109 of subsection 1 of the said section 388, as amended by subsection 5 of section 16 of *The Municipal Amendment Act, 1951*, is further amended by inserting after the word “vehicle” where it occurs the second time in the second line the words “and a trailer” and by striking out the words “which shall be approved of by the Municipal Board” in the seventh and eighth lines, so that the paragraph, exclusive of clause a, shall read as follows:

Licensing
users of
wheeled
vehicles
Rev. Stat.,
c. 167

109. Requiring all residents in the municipality owning and using any wheeled vehicle other than a motor vehicle and a trailer as defined in *The Highway Traffic Act* to obtain a licence therefor before using the same upon any highway of the municipality; limiting the weight or size of loads that may be carried thereon; regulating the issuing of such licences and the collection of fees therefor; fixing an annual fee not exceeding \$1 for such licences; fixing a scale of fees for different vehicles; imposing penalties not exceeding \$5 exclusive of costs upon all persons who

contravene any such by-law; and providing that such penalties may be recoverable in the manner provided by this Act.

(4) Subsection 1 of the said section 388 is amended by adding thereto the following paragraphs: Rev. Stat.,
c. 243, s. 388,
subs. 1,
amended

111a. For prohibiting or regulating and inspecting the use of any land or structures within the municipality or any defined area or areas thereof for dumping or disposing of garbage, refuse, or domestic or industrial waste of any kind. Control of
land used
for disposal
of refuse

(a) A by-law under this paragraph,

- (i) may establish a schedule of fees chargeable upon inspection of such regulated land or structures,
- (ii) may require the owners, lessees or occupants of such land or structures, at the expense of the owners, lessees or occupants, to cease using such land or structures for such purposes, or to cover over any garbage, refuse, or domestic or industrial waste in any prescribed manner, whether or not such land or structures were so used before the passing of the by-law,
- (iii) may define industrial or domestic waste.

111b. For prohibiting or regulating and inspecting the use of any land or structures for storing used motor vehicles for the purpose of wrecking or dismantling them or salvaging parts thereof for sale or other disposal. Storing
motor
vehicles for
salvage

40.—(1) Paragraph 1 of subsection 1 of section 390 of *The Municipal Act* is amended by inserting after the word “by-law” in the second line the words “within the municipality or”, so that the paragraph shall read as follows: Rev. Stat.,
c. 243, s. 390,
subs. 1,
par. 1,
amended

- 1. For prohibiting the use of land, for or except for such purposes as may be set out in the by-law within the municipality or within any defined area or areas or abutting on any defined highway or part of a highway. Restricting
use of land

(2) Paragraph 2 of subsection 1 of the said section 390 is amended by inserting after the word “by-law” in the third line the words “within the municipality or”, so that the paragraph shall read as follows: Rev. Stat.,
c. 243, s. 390,
subs. 1,
par. 2,
amended

Restricting
erection or
use of
buildings

2. For prohibiting the erection or use of buildings or structures for or except for such purposes as may be set out in the by-law within the municipality or within any defined area or areas or upon land abutting on any defined highway or part of a highway.

Rev. Stat.,
c. 243, s. 390,
subs. 1,
par. 3,
amended

(3) Paragraph 3 of subsection 1 of the said section 390, as amended by subsection 1 of section 17 of *The Municipal Amendment Act, 1951*, is further amended by inserting after the word "land" in the second line the words "which is subject to flooding or on land", so that the paragraph shall read as follows:

Erection of
buildings on
unsuitable
lands

3. For prohibiting the erection of a building or structure for residential or commercial purposes on land which is subject to flooding or on land where by reason of its rocky, low-lying, marshy or unstable character, the cost of construction of satisfactory waterworks, sewage or drainage facilities is prohibitive.

Rev. Stat.,
c. 243, s. 390,
subs. 6, re-
enacted

(4) Subsection 6 of the said section 390 is repealed and the following substituted therefor:

Excepted
lands and
buildings

(6) No by-law passed under this section shall apply,

(a) to prevent the use of any land, building or structure for any purpose prohibited by the by-law if such land, building or structure was used for such purpose on the day of the passing of the by-law, so long as it continues to be used for that purpose; or

(b) to prevent the erection or use for a purpose prohibited by the by-law of any building or structure the plans for which have prior to the day of the passing of the by-law been approved by the municipal architect or building inspector, so long as the building or structure when erected is used and continues to be used for the purpose for which it was erected.

Rev. Stat.,
c. 243, s. 391,
par. 6,
amended

41. Paragraph 6 of section 391 of *The Municipal Act* is amended by striking out the words "*The Factory, Shop and Office Building Act*" in the first line and inserting in lieu thereof the words "*The Elevators and Lifts Act, 1953*", so that the paragraph shall read as follows:

Erection of
elevators
1953, c. 33

6. Subject to *The Elevators and Lifts Act, 1953* and any other Act relating to cranes, elevators and hoists, for regulating the construction of and for inspecting

cranes,

cranes, hoists and elevators, and for regulating the manner in which elevators and hoists which are to be operated automatically or otherwise in buildings, shall be constructed and operated, and for licensing elevators and hoists used by the public or by employees.

42. Clause *d* of section 404 of *The Municipal Act* is repealed and the following substituted therefor: Rev. Stat., c. 243, s. 404, cl. *d*, re-enacted

(*d*) paragraph 19*a* of section 386.

43.—(1) Paragraph 3 of section 413 of *The Municipal Act* is amended by inserting after the word “electricians” in the third line the words “or for permitting them by reason of registration with the Electrical Contractors Association of Ontario or other qualification to carry on their trade without examination or licence, or both”, so that the paragraph, exclusive of the clauses, shall read as follows: Rev. Stat., c. 243, s. 413, par. 3, amended

3. For examining, licensing, regulating and governing electrical contractors, electricians, master electricians and journeyman electricians or for permitting them by reason of registration with the Electrical Contractors Association of Ontario or other qualification to carry on their trade without examination or licence, or both. Electrical workers

(2) Clause *b* of paragraph 12 of the said section 413 is repealed. Rev. Stat., c. 243, s. 413, par. 12, cl. *b*, repealed

44. Section 421 of *The Municipal Act*, as amended by section 24 of *The Municipal Amendment Act, 1952*, is repealed and the following substituted therefor: Rev. Stat., c. 243, s. 421, re-enacted

421. The council of a city, town, village, county or township may pay for or towards the reception or entertainment of persons of distinction or the celebration of events or matters of national interest or importance, or for or towards travelling or other expenses incurred in respect to matters pertaining to or affecting the interests of the corporation, a sum not exceeding in any year, Expenses of entertaining guests and for travelling on civic business

(*a*) in the case of a local municipality having a population of,

(i) not less than 500,000—\$50,000,

(ii) not less than 200,000—\$30,000,

(iii)

(iii) not less than 100,000—\$20,000,

(iv) not less than 50,000—\$10,000,

(v) not less than 20,000—\$3,000,

(vi) not less than 10,000—\$2,000,

(vii) less than 10,000—\$1,000; and

(b) in the case of a county—\$2,500.

Rev. Stat.,
c. 243, s. 469,
subs. 3,
re-enacted

45. Subsection 3 of section 469 of *The Municipal Act*, as amended by section 17 of *The Municipal Amendment Act, 1953*, is repealed and the following substituted therefor:

Approval of
Lieutenant-
Governor to
by-law

(3) A by-law passed under clause *b* or clause *c* of subsection 1 in respect of an allowance for road reserved in the original survey,

(a) along the bank of any river, stream or other water;

(b) along or on the shore of any lake or other water;

(c) leading to the bank of any river or stream; or

(d) leading to the shore of any lake or other water,

shall not take effect until it has been approved by the Lieutenant-Governor in Council, and where the by-law also requires approval of a judge or confirmation by a county council under subsection 6, it shall not be submitted to the Lieutenant-Governor in Council until such approval or confirmation has been obtained.

Rev. Stat.,
c. 243, s. 486,
par. 7,
amended

46.—(1) Paragraph 7 of section 486 of *The Municipal Act* is amended by striking out the words “or granting to any person for such period of time, not exceeding five years, and upon such terms and conditions as the council may deem expedient, the exclusive right for erecting, maintaining and operating” in the first, second, third, fourth and fifth lines, so that the paragraph, exclusive of the clauses, shall read as follows:

Installation
of meters for
controlling
parking of
vehicles on
highways,
and charging
of fees
for parking

7. For erecting, maintaining and operating on any highway or portion of a highway automatic or other mechanical meters or devices, with the necessary

standards

standards for the same, for the purpose of controlling and regulating the parking of any vehicle on the highway and measuring and recording the duration of such parking, for requiring drivers of every vehicle parked on such highways to make use of the said meters or devices, and to pay for parking such vehicle on the highway a fee according to the amount or scale prescribed by the by-law and as measured by the meter or device, and for prohibiting parking of vehicles on such highway or portion of a highway unless such meter or device is made use of and such fee is paid, and for limiting the right of parking of vehicles on such highway to such drivers as do make use of the said meters or devices and pay the said fees.

(2) Clauses *a* and *b* of paragraph 7 of the said section 486 are repealed and the following substituted therefor:

Rev. Stat.,
c. 243, s. 486,
par. 7, cl. *a*,
re-enacted;
clause *b*,
repealed

- (a) No municipality or municipal parking authority shall, except in case of negligence, be liable for personal injury or for damage by reason of the erection, maintenance or operation of the said meters or devices with the necessary standards for the same under the authority of a by-law passed under this paragraph, or by reason of a vehicle being parked on the highway under the terms of such by-law.

No action
except for
negligence

47. Subsection 1 of section 492 of *The Municipal Act* is amended by striking out the symbol and figures "\$50" in the third line and inserting in lieu thereof the symbol and figures "\$300", so that the subsection shall read as follows:

Rev. Stat.,
c. 243, s. 492,
subs. 1,
amended

- (1) By-laws may be passed by the councils of all municipalities and by boards of commissioners of police for imposing penalties of not more than \$300, exclusive of costs, upon every person who contravenes any by-law of the council or of the board passed under the authority of this Act.

Power to
impose
penalties

48. Section 503 of *The Municipal Act* is amended by adding thereto the following subsection:

Rev. Stat.,
c. 243, s. 503,
amended

- (2a) Where the returning officer for the police village is not the clerk to whom the ballot box is to be returned, the returning officer shall be entitled to vote at the election if otherwise qualified.

Returning
officer
may vote

49. Form 2 of *The Municipal Act* is amended by striking out the words "His Majesty King George VI" in the third line and inserting in lieu thereof the words "Her Majesty Queen Elizabeth II".

Rev. Stat.,
c. 243,
Form 2,
amended

Rev. Stat.,
c. 243,
Form 11,
par. 8,
re-enacted

50. Paragraph 8 of Form 11 of *The Municipal Act* is repealed and the following substituted therefor:

8. That you have not received anything, nor has anything been promised you, directly or indirectly, to induce you to vote at this election.

Authority
to acquire
certain
parking lots

51. Every municipality shall be deemed to have had authority to acquire, establish, lay out and improve land for the parking of vehicles and to erect buildings for such purposes thereon and to operate such parking lots, and paragraphs 52 and 52a of section 386 of *The Municipal Act* shall apply to parking lots acquired before this section comes into force.

Assent of
electors to
certain
by-laws

52. All municipal by-laws for the issue of debentures for the purpose of purchasing industrial sites passed before this section comes into force shall be deemed to have received the assent of the municipal electors.

Hurricane
relief
grants

53. Every municipality, including The Municipality of Metropolitan Toronto, shall be deemed to have had authority to make grants to the Ontario Hurricane Relief Fund established to assist persons who or whose property suffered injury or damage as a result of the "Hurricane Hazel" that occurred in Ontario on or about the 15th day of October, 1954.

Commence-
ment

54.—(1) This Act, except sections 1, 2, 3, 4, 24, subsection 1 of section 37 and section 44, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 1, 2 and 24 and subsection 1 of section 37 shall be deemed to have come into force on the 1st day of January, 1954.

Idem

(3) Sections 3, 4 and 44 shall be deemed to have come into force on the 1st day of January, 1955.

Short title

55. This Act may be cited as *The Municipal Amendment Act, 1955*.

CHAPTER 49

An Act to amend The Municipal Franchises Act

Assented to March 31st, 1955
Session Prorogued March 31st, 1955

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of section 1 of *The Municipal Franchises Act* Rev. Stat., c. 249, s. 1, cl. *b*, re-enacted is repealed and the following substituted therefor:

- (*b*) "gas" means natural gas, manufactured gas or any liquefied petroleum gas, and includes any mixture of natural gas, manufactured gas or liquefied petroleum gas, but does not include a liquefied petroleum gas that is distributed by a means other than a pipe line.

2. Section 4 of *The Municipal Franchises Act* is amended Rev. Stat., c. 249, s. 4, amended by adding thereto the following subsection:

- (2) Where the franchise referred to in subsection 1 is a Gas franchises gas franchise, the Ontario Fuel Board shall take the place of the Ontario Municipal Board for the purposes of this section.

3. Section 6 of *The Municipal Franchises Act* is amended Rev. Stat., c. 249, s. 6, amended by adding thereto the following subsection:

- (2) Where the by-law within the meaning of clause *c* Gas franchises of subsection 1 is a gas franchise by-law, the Ontario Fuel Board shall take the place of the Ontario Municipal Board for the purposes of the clause.

4. Subsections 4, 5, 6 and 7 of section 8 of *The Municipal Franchises Act*, as amended by subsections 3, 4, 5 and 6 of section 2 of *The Municipal Franchises Amendment Act, 1954*, Rev. Stat., c. 249, s. 8, subss. 4, 5, 6, 7, repealed are repealed.

5. Section 9 of *The Municipal Franchises Act*, as enacted Rev. Stat., c. 249, s. 9 (1954, c. 60, s. 3), re-enacted by section 3 of *The Municipal Franchises Amendment Act, 1954*, is repealed and the following substituted therefor:

Gas
franchise
by-law
to be
approved
by Fuel
Board

9.—(1) No by-law granting,

- (a) the right to construct or operate works for the distribution of gas;
- (b) the right to supply gas to a municipal corporation or to the inhabitants of a municipality;
- (c) the right to extend or add to the works mentioned in clause *a* or the services mentioned in clause *b*;
- (d) a renewal of or an extension of the term of any right mentioned in clause *a* or *b*,

shall be submitted to the municipal electors for their assent unless the terms and conditions upon which and the period for which such right is to be granted, renewed or extended have first been approved by the Ontario Fuel Board.

Jurisdiction
of Fuel
Board

- (2) The Ontario Fuel Board has and may exercise jurisdiction and power necessary for the purposes of this section and may give or refuse its approval.

Hearing to
be held

- (3) The Ontario Fuel Board shall not make an order granting its approval under this section until after the Board has held a public hearing to deal with the matter upon application therefor and of which hearing such notice shall be given in such manner and to such persons and municipalities as the Board may direct.

Electors'
assent may
be dispensed
with

- (4) The Board, after holding a public hearing upon such notice as the Board may direct and if satisfied that the assent of the municipal electors can properly under all the circumstances be dispensed with, may in any order made under this section declare and direct that the assent of the electors is not necessary.

Appeal

- 10. With leave of a judge thereof, an appeal lies upon any question of law or fact to the Court of Appeal from any certificate granted under section 8 or any order made under section 9 if application for leave to appeal is made within fifteen days from the date of the certificate or order, as the case may be, and the rules of practice of the Supreme Court apply to any such appeal.

Commence-
ment

- 6. This Act comes into force on the day it receives Royal Assent.

Short title

- 7. This Act may be cited as *The Municipal Franchises Amendment Act, 1955*.

CHAPTER 50

An Act to amend The Municipality of
Metropolitan Toronto Act, 1953

Assented to March 31st, 1955
Session Prorogued March 31st, 1955

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 22 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by inserting after the figures "255" in the second line the word and figures "section 257" and by striking out the word and figures "and 49" in the second line and inserting in lieu thereof the word, figures and letter "49 and 49a", so that the subsection shall read as follows:

- (1) Sections 235, 251 and 253, subsections 4 and 5 of section 255, section 257 and paragraphs 48, 49 and 49a of section 386 of *The Municipal Act* shall apply *mutatis mutandis* to the Metropolitan Corporation.

(2) The said section 22 is amended by adding thereto the following subsection:

- (2a) In addition to its powers in subsection 1, the Metropolitan Council may pass by-laws for providing pensions for employees, or any class thereof, and their wives and children.

(a) In this subsection, "employee" means any salaried officer, clerk, workman, servant or other person in the employ of the Metropolitan Corporation or any local board thereof, or of any area municipality or local board thereof, or of the Toronto and York Roads Commission, and includes any person designated as an employee by the Minister.

(b) No by-law shall be passed under this subsection except on the affirmative vote of at least two-thirds of the members of the Metropolitan Council present and voting thereon.

(c)

Approval of
Minister

- (c) No by-law passed under this subsection shall become operative until approved by the Minister nor shall any by-law passed under this subsection and approved by the Minister be amended or repealed without the approval of the Minister.

Agreement
necessary

- (d) A local board of the Metropolitan Corporation, an area municipality, a local board of an area municipality or the Toronto and York Roads Commission may enter into an agreement with the Metropolitan Corporation providing that a pension plan established under this subsection shall be applicable to employees or any class thereof of such local board, area municipality or the Toronto and York Roads Commission, and such agreement may provide for the incorporation of the plan of an area municipality, local board or the Toronto and York Roads Commission with the plan established under this subsection and for the transfer of any credits or assets from one plan to the other, but no pension plan established under this subsection shall apply to an employee of a local board, area municipality or the Toronto and York Roads Commission unless such an agreement has been entered into.

Deductions
from salary,
etc.

- (e) Where a pension plan established under this subsection is applicable to an employee of a local board of the Metropolitan Corporation or an employee of an area municipality or a local board thereof or the Toronto and York Roads Commission, the local board, area municipality or the Toronto and York Roads Commission, as the case may be, shall deduct, by instalments from the salary, wages or other remuneration of each employee to whom the by-law is applicable, the amount which such employee is required to pay in accordance with the provisions of the plan and shall pay the amounts deducted to the treasurer of the Metropolitan Corporation.

Employer
contribu-
tions

- (f) Where a pension plan established under this subsection is applicable to an employee of a local board of the Metropolitan Corporation or an employee of an area municipality or a

local

local board thereof or the Toronto and York Roads Commission, the local board or area municipality or the Toronto and York Roads Commission shall pay to the treasurer of the Metropolitan Corporation the employer contributions in respect of such employee in accordance with the provisions of the plan.

(3) Subsections 3, 4, 5 and 6 of the said section 22 are repealed and the following substituted therefor:

1953, c. 73,
s. 22,
subss. 3, 4, 5
6, re-
enacted

(3) Where the Metropolitan Corporation employs a person theretofore employed by an area municipality or a local board thereof, the County of York or the Toronto and York Roads Commission, the employee shall be deemed to remain an employee of the area municipality or local board or of the County of York or the Toronto and York Roads Commission for the purposes of any pension plan of such area municipality or local board or of the County of York or the Toronto and York Roads Commission, and shall continue to be entitled to all rights and benefits thereunder as if he had remained as an employee of the area municipality or local board or of the County of York or the Toronto and York Roads Commission, until the Metropolitan Corporation has provided a pension plan for its employees and such employee has elected, in writing, to participate therein.

(4) Until such election, the Metropolitan Corporation shall deduct by instalments from the remuneration of the employee the amount which such employee is required to pay in accordance with the provisions of the plan of the area municipality or local board or of the County of York or the Toronto and York Roads Commission and the Metropolitan Corporation shall pay to the area municipality or local board or to the County of York or the Toronto and York Roads Commission in instalments,

(a) the amounts so deducted;

(b) the future service contributions payable under the plan by the area municipality or local board or by the County of York or the Toronto and York Roads Commission.

(5) Where the Metropolitan Corporation employs a person theretofore employed by an area municipality

Sick leave
credits

or

or local board thereof or by the County of York or the Toronto and York Roads Commission, the employee shall be deemed to remain an employee of the area municipality or local board or of the County of York or the Toronto and York Roads Commission for the purposes of any sick leave credit plan of the area municipality, local board, the County of York or the Toronto and York Roads Commission until the Metropolitan Corporation has established a sick leave credit plan for its employees, whereupon the Metropolitan Corporation shall place to the credit of the employee the sick leave credits standing to his credit in the plan of the area municipality or local board or of the County of York or the Toronto and York Roads Commission.

Holidays

- (6) Where the Metropolitan Corporation employs a person theretofore employed by an area municipality or local board thereof or by the County of York or the Toronto and York Roads Commission, the Metropolitan Corporation shall, during the first year of his employment by the Metropolitan Corporation, provide for such employee's holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the area municipality or local board or of the County of York or the Toronto and York Roads Commission.

1953, c. 73,
s. 31,
amended

2. Section 31 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following subsection:

Court of
revision
for local
improvements

Rev. Stat.,
c. 215

- (7a) A court or courts of revision constituted for an area municipality under this section shall be deemed to be the court or courts of revision constituted for the area municipality for the purposes of *The Local Improvement Act*.

1953, c. 73,
s. 33,
re-enacted

3. Section 33 of *The Municipality of Metropolitan Toronto Act, 1953* is repealed and the following substituted therefor:

Application
of
Rev. Stat.,
c. 24 to area
municipalities

33. For the purposes of sections 6, 7, 8, 9, 16 and 18 and subsection 5 of section 30 of *The Assessment Act*, each area municipality shall be deemed to be a city having a population of not less than 100,000.

1953, c. 73,
s. 37,
amended

4. Section 37 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following subsection:

- (8) In this section, "works" means buildings, structures, ^{Interpre-} plant, machinery, equipment and appurtenances, ^{tation} devices, conduits, intakes and outlets and underground construction and installations and other works designed for the production, treatment and storage of water and includes lands appropriated for such purposes and uses.

5. Section 80 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following clause: ^{1953, c. 73, s. 80, amended}

- (jj) establishing and laying out a new road under section 85 and constructing such new road as part of the metropolitan road system before actually assuming it as a metropolitan road by amending the by-law passed under section 76.

6. Subsection 1 of section 83 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding at the end thereof the words "but the area municipality in which such sidewalks are located shall continue to be liable for the maintenance and repair of such sidewalks and shall be responsible for any injury or damage arising from the construction or presence of the sidewalks on such road or portion thereof to the same extent and subject to the same limitations to which an area municipality is liable under section 453 of *The Municipal Act*, in respect of a sidewalk on a road over which a council has jurisdiction", so that the subsection shall read as follows: ^{1953, c. 73, s. 83, subs. 1, amended}

- (1) The Metropolitan Corporation shall not by reason of assuming a road under this Act be liable for the building, maintenance or repair of sidewalks on any metropolitan road or portion thereof, but the area municipality in which such sidewalks are located shall continue to be liable for the maintenance and repair of such sidewalks and shall be responsible for any injury or damage arising from the construction or presence of the sidewalks on such road or portion thereof to the same extent and subject to the same limitations to which an area municipality is liable under section 453 of *The Municipal Act*, in respect of a sidewalk on a road over which a council has jurisdiction. ^{Sidewalks excepted}

7. *The Municipality of Metropolitan Toronto Act, 1953* is ^{1953, c. 73, amended} amended by adding thereto the following section:

- 86a.—(1) Where the name of a highway is a duplication or is similar to the name of another highway in the Metropolitan Area, the Metropolitan Council may pass by-laws for changing the name of any such highway, and no area municipality shall thereafter have power to change the name of such highway. ^{Names of highways}

When by-law
effective

- (2) A by-law passed under subsection 1 shall recite the fact of such duplication or similarity, and the change shall take effect when a certified copy of the by-law is registered in the proper registry or land titles office.

1953, c. 73,
s. 92, subs. 1,
re-enacted

- 8.** Subsection 1 of section 92 of *The Municipality of Metropolitan Toronto Act, 1953* is repealed and the following substituted therefor:

Restrictions

- (1) The Metropolitan Council shall have, with respect to all land lying within a distance of 150 feet from any limit of a metropolitan road, all the powers conferred on the council of a local municipality by section 390 of *The Municipal Act*.

Rev. Stat.,
c. 243

1953, c. 73,
s. 96,
amended

- 9.** Section 96 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by inserting after the word "of" where it occurs the first time in the first line the words "subsection 1 of section 11 and", so that the section shall read as follows:

Suburban
roads,
application
of
Rev. Stat.,
c. 166

96. For the purposes of subsection 1 of section 11 and Part III of *The Highway Improvement Act*, the Metropolitan Corporation shall be deemed to be the corporation of a city having a population of more than 50,000 situate within the County of York but separated therefrom for municipal purposes, and the said Part III shall apply to the Metropolitan Corporation, but no area municipality shall have any liability or authority under that Part.

1953, c. 73,
s. 125,
amended

- 10.** Section 125 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following subsection:

Idem

- (1a) Where a resident pupil attends a school situated outside the Metropolitan Area which he has a right to attend under *The Public Schools Act* or *The Secondary Schools and Boards of Education Act, 1954*, the maintenance assistance payments provided for in subsection 1 shall be paid to the board of education of the public school division or high school district of which he is a resident pupil, as the case may be, in the same manner and to the same extent as if the pupil attended a school under the jurisdiction of such board.

1953, c. 73,
amended

- 11.** *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following section:

Applica-
tion of
1954, c. 86,
ss. 34, 35, 37

- 126a.—(1) Sections 34, 35 and 37 of *The Schools Administration Act, 1954* shall apply *mutatis mutandis* to the School Board.

- (2) Where the School Board employs or has employed a ^{Pensions} person theretofore employed by a board of education in the Metropolitan Area, the employee shall be deemed to remain an employee of the board of education for the purpose of any pension plan of such board of education, and shall continue to be entitled to all rights and benefits thereunder as if he had remained as an employee of the board of education, until the School Board has provided a pension plan for its employees and such employee has elected, in writing, to participate therein.
- (3) Until such election, the School Board shall deduct ^{Idem} by instalments from the remuneration of the employee the amount which such employee is required to pay in accordance with the provisions of the plan of the board of education, and the School Board shall pay to the board of education in instalments,
- (a) the amounts so deducted;
- (b) the future service contributions payable under the plan by the board of education.
- (4) Where the School Board employs or has employed a ^{Sick leave credits} person theretofore employed by a board of education in the Metropolitan Area, the employee shall be deemed to remain an employee of the board of education for the purposes of any sick leave credit plan of such board of education until the School Board has established a sick leave credit plan for its employees, whereupon the School Board shall place to the credit of the employee the sick leave credits standing to his credit in the plan of the board of education.

12. Section 136 of *The Municipality of Metropolitan* ^{1953, c. 73,} *Toronto Act, 1953* is amended by adding thereto the following ^{s. 136,} amended subsection:

- (2) Notwithstanding subsection 1, the Town of Leaside, ^{Certain towns not to be deemed separated towns for the purposes of} the Town of Mimico, the Town of New Toronto and the Town of Weston shall be deemed to be towns ^{of} and not separated towns for the purposes of *The Highway Improvement Act*. ^{Rev. Stat., c. 166}

1953, c. 73,
s. 142,
amended

13. Section 142 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following subsection:

Special
provisions

- (4) The Corporation of the City of Toronto shall not be liable, and the Metropolitan Corporation shall be liable, after the 31st day of December, 1953, for the hospitalization and burial of an indigent person or his dependant who was in hospital on the 31st day of December, 1953, or who is admitted to hospital after such date and in respect of whom the City is or would be liable under the provisions of an agreement dated the 21st day of February, 1947, made between the City, The Corporation of the Township of Toronto, The Corporation of the Township of Toronto Gore and The Corporation of the County of Peel which agreement was validated and confirmed by *The City of Toronto Act, 1947*, and nothing in this subsection shall relieve the City from any liability in respect of hospitalization provided or burials before the 1st day of January, 1954.

1947, c. 142

1953, c. 73,
s. 147,
amended

14. Section 147 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following subsection:

Lambert
Lodge

- (5) If the Minister of Public Welfare certifies that Lambert Lodge in the City of Toronto is no longer required by the Metropolitan Corporation for use as a home for the aged, the Metropolitan Corporation shall thereupon transfer that portion of the real property known as Lambert Lodge that was used for the purposes of a home for the aged and was vested in the Metropolitan Corporation by subsection 1 to The Corporation of the City of Toronto, and no compensation or damages shall be payable to the Metropolitan Corporation in respect thereof.

1953, c. 73,
s. 150,
amended

15. Section 150 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following subsection:

Special
provisions

- (4) The Corporation of the City of Toronto shall not be liable, and the Metropolitan Corporation shall be liable, after the 31st day of December, 1953, for the maintenance of children committed temporarily or permanently to the care and custody of a children's aid society in respect of which child an order for maintenance was in force on the 31st day of December, 1953, or is made after such date and in respect of which maintenance the City is or would

be liable under the provisions of an agreement dated the 21st day of February, 1947, made between the City, The Corporation of the Township of Toronto, The Corporation of the Township of Toronto Gore and The Corporation of the County of Peel which agreement was validated and confirmed by *The City of Toronto Act, 1947*, and nothing in this subsection shall relieve the City from any liability in respect of maintenance provided before the 1st day of January, 1954.

16. Section 154 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following subsection: ^{1953, c. 73, s. 154, amended}

- (4) The Corporation of the City of Toronto shall not be liable, and the Metropolitan Corporation shall be liable, after the 31st day of December, 1953, for payment under *The Training Schools Act* towards the maintenance and education of a child in respect of whom the City is or would be liable under the provisions of an agreement dated the 21st day of February, 1947, made between the City, The Corporation of the Township of Toronto, The Corporation of the Township of Toronto Gore and The Corporation of the County of Peel which agreement was validated and confirmed by *The City of Toronto Act, 1947*, and nothing in this subsection shall relieve the City from any liability in respect of maintenance and education provided before the 1st day of January, 1954. ^{Special provisions Rev. Stat., c. 396 1947, c. 142}

17. Section 161 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by striking out the words "other than the Crown attorney of the City of Toronto" in the thirteenth and fourteenth lines and inserting in lieu thereof the words "including the Crown attorney for the City of Toronto and the County of York", so that the section shall read as follows: ^{1953, c. 73, s. 161, amended}

161. The Metropolitan Council shall have the care of its court house and of all offices, rooms and grounds connected therewith, whether the court house is a separate building or is connected with the jail, and the appointment of the caretakers thereof, and shall, from time to time, provide all necessary and proper accommodation, fuel, light, stationery and furniture for the provincial courts of justice, other than the division courts, and for the library of the law association of the county, such last-mentioned accommodation to be provided in the court house, and proper ^{Metropolitan Council to provide accommodation, etc.}

offices, together with fuel, light, stationery and furniture and, when certified by the Attorney-General to be necessary, with typewriters, for all officers connected with such provincial courts, including the Crown attorney for the City of Toronto and the County of York, and shall pay all other fees and moneys payable in connection with the administration of justice by the City of Toronto under the terms of the agreement referred to in section 172.

1953, c. 73,
s. 174,
re-enacted

18.—(1) Section 174 of *The Municipality of Metropolitan Toronto Act, 1953* is repealed and the following substituted therefor:

Registry
division
not affected

174.—(1) Nothing in this Act alters or affects the boundaries of any registry division.

City Regis-
try Office
vested in
Metropol-
itan Cor-
poration

(2) The building in which the Registry Office for the Registry Division of the City of Toronto is located and the lands on which such building is situated and all personal property used for the purposes of such registry office and the land titles office therein are vested in the Metropolitan Corporation and the Metropolitan Corporation shall pay to the City of Toronto such compensation therefor as may be agreed upon and failing agreement as may be determined by the Municipal Board.

Compensa-
tion

(3) The surplus fees in respect of the Registry Office for the Registry Division of the City of Toronto and of the Land Titles Office in the City of Toronto to which the Metropolitan Corporation is entitled, after payment of the cost of any alterations or additions thereto, shall be paid by the Metropolitan Corporation to the City of Toronto in payment of the compensation agreed upon or determined under subsection 2 until such compensation is fully paid.

County
Registry
Office vested
in Metropol-
itan Cor-
poration

(4) The building in which the Registry Office for the Registry Division of the East and West Riding of the County of York and the lands on which such building is situated and all personal property used for the purposes of such registry office are vested in the Metropolitan Corporation and the Metropolitan Corporation shall pay such compensation therefor to the County of York and the area municipalities except the City of Toronto as may be agreed upon and failing agreement as may be determined by the Municipal Board.

- (5) The total compensation under subsection 4 shall be determined on the basis of values as of the 1st day of January, 1955, and the County of York shall be entitled to 15 per cent of such total compensation and the area municipalities shall be entitled to the remainder in such proportions as may be agreed upon and failing agreement as may be determined by the Municipal Board. How compensation to be shared
- (6) When the boundaries of the Registry Division of the East and West Riding of the County of York are changed so that no land within a municipality forming part of the County of York for municipal purposes is within the said Registry Division, the Metropolitan Corporation shall pay to the County of York the amount of compensation to which the County is entitled under subsection 5. Compensation to County of York
- (7) The surplus fees of the Registry Office for the Registry Division of the East and West Riding of the County of York to which the Metropolitan Corporation is entitled, after payment of the cost of any alterations or additions thereto, shall be paid by the Metropolitan Corporation to and distributed among the area municipalities except the City of Toronto in payment of the compensation agreed upon or determined under subsection 5 in the same proportions as are determined with respect to the compensation until such compensation is fully paid. Compensation to area municipalities
- (8) No interest shall be payable in respect of any compensation payable by the Metropolitan Corporation under this section. Interest
- (9) For the purposes of *The Registry Act*, the Metropolitan Corporation shall be deemed to be a city and shall provide registry office accommodation and all other matters under *The Registry Act* with respect to the said registry divisions and the registry offices thereof. Responsibility of Metropolitan Corporation
Rev. Stat., c. 336
- (10) So long as any land within a municipality forming part of the County of York for municipal purposes is within the boundaries of the Registry Division of the East and West Riding of the County of York, the County of York shall bear and pay to the treasurer of the Metropolitan Corporation such equitable proportion of the expenses incurred under section 21 of *The Registry Act* and any other expenses with respect to the registry office for the said registry division, as the Inspector of Legal Offices directs. Liability of County

Surplus
fees of
registry
offices

(11) Subject to section 152 of *The Land Titles Act*,

- (a) the Metropolitan Corporation shall be entitled to the surplus fees in respect of the Registry Office for the Registry Division of the City of Toronto; and
- (b) so long as any land within a municipality forming part of the County of York for municipal purposes is within the boundaries of the Registry Division of the East and West Riding of the County of York, the Metropolitan Corporation and the County of York shall be entitled to the surplus fees in respect of the Registry Office for the Registry Division of the East and West Riding of the County of York in the manner provided in *The Registry Act* and thereafter the Metropolitan Corporation shall be entitled to such surplus fees.

Rev. Stat.,
c. 336

Land titles
Rev. Stat.,
c. 197

- (12) For the purposes of *The Land Titles Act*, the Metropolitan Corporation shall be deemed to be a city and the responsibility of the City of Toronto under that Act shall hereafter be the responsibility of the Metropolitan Corporation which shall share with the County of York the expenses under that Act in the manner provided by subsection 3 of section 150 of that Act.

Surplus
fees of
land titles
office

- (13) The Metropolitan Corporation and the County of York shall be entitled to the surplus fees in respect of the Land Titles Office in the City of Toronto in the manner provided in *The Land Titles Act*.

Use of
building
by City
of Toronto

- (14) Where any portion of any building that is vested by this section in the Metropolitan Corporation is being used by the City of Toronto for purposes other than a registry or land titles office when this section comes into force, the City of Toronto may continue to use any such portion on such terms and at such rental as may be agreed upon and failing agreement as may be determined by the Municipal Board and when any such portion is required by the Metropolitan Corporation it shall give to the City of Toronto at least six months notice to vacate.

When land
required
for civic
square

- (15) When the building and lands vested by subsection 2 in the Metropolitan Corporation are required by the City of Toronto for the development of a civic square, the Metropolitan Corporation shall sell and

convey

convey such building and lands to the City of Toronto within two years of being notified by the City that the building and lands are so required at a price equal to the amount of compensation therefor determined under subsection 2.

(2) The Metropolitan Corporation shall repay to the City of Toronto and the County of York the amount of the expenses incurred by them respectively with respect to the operation after the 1st day of January, 1955, of the Registry Office for the Registry Division of the City of Toronto and the Registry Office for the Registry Division of the East and West Riding of the County of York and the Land Titles Office in the City of Toronto. ^{Expenses incurred in 1955}

19. Section 184 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following subsection: ^{1953, c. 73, s. 184, amended}

(2) Paragraphs 51a and 51b of section 386 of *The Municipal Act* shall apply *mutatis mutandis* to the Metropolitan Corporation. ^{Applica- tion of Rev. Stat., c. 243}

20.—(1) Section 190 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following subsections: ^{1953, c. 73, s. 190, amended}

(5a) Notwithstanding subsections 3, 4 and 5, the Metropolitan Council may pass its by-law under subsection 2 before the assessment rolls of all the area municipalities are revised by the courts of revision, and in that case the levies shall be apportioned among the area municipalities according to the last revised assessment rolls of those area municipalities whose assessment rolls have been so revised and the assessment rolls as returned of those area municipalities whose assessment rolls have not been so revised. ^{Apportion- ment where all rolls not revised}

(5b) Where the by-law under subsection 2 is passed as provided in subsection 5a, the Metropolitan Council shall, forthwith after the assessment rolls of all the area municipalities have been revised by the courts of revision, amend the by-law so as to make the apportionments among the area municipalities according to the assessment rolls as so revised, and, ^{Adjustment}

(a) where the moneys levied against an area municipality are thereby increased, the treasurer of the area municipality shall pay the amount of the increase to the treasurer of the Metropolitan Corporation; and

(b)

- (b) where the moneys levied against an area municipality are thereby decreased, the treasurer of the area municipality shall be liable to pay to the treasurer of the Metropolitan Corporation only the reduced levy or, if the original levy has been paid by the area municipality, the treasurer of the Metropolitan Corporation shall pay the amount of the decrease to the treasurer of the area municipality.

1953, c. 73,
s. 190,
subs. 6,
amended

- (2) Subsection 6 of the said section 190 is amended by inserting after the word "assessment" in the third line the words "other than a fixed assessment under section 36a of *The Assessment Act*", so that the subsection shall read as follows:

Fixed
assessments,
etc., not
to apply

- (6) The apportionment of the levy among the area municipalities as provided for in subsections 2 to 5 shall be based on the full value of all rateable property, and no fixed assessment other than a fixed assessment under section 36a of *The Assessment Act* or partial or total exemption from assessment or taxation shall apply thereto, except as provided in section 4 of *The Assessment Act*.

Rev. Stat.,
c. 24

1953, c. 73,
s. 190,
subs. 9,
amended

- (3) Subsection 9 of the said section 190 is amended by adding at the commencement thereof the words "Subject to section 54a of *The Assessment Act*", so that the subsection shall read as follows:

Local levies
for metro-
politan
purposes
Rev. Stat.,
c. 24

- (9) Subject to section 54a of *The Assessment Act*, in each area municipality, the metropolitan levy,

- (a) for public school purposes shall be calculated and levied upon the whole rateable property rateable for public school purposes;
- (b) for secondary school purposes shall be calculated and levied upon the whole rateable property rateable for secondary school purposes; and
- (c) for all other purposes shall be calculated and levied upon the whole rateable property rateable for such purposes,

within such area municipality according to the last revised assessment roll thereof.

1953, c. 73,
s. 197,
subs. 2,
amended

- 21.—**(1) Subsection 2 of section 197 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding at the commencement thereof the words "Subject to subsection 2a", so that the subsection shall read as follows:

- (2) Subject to subsection 2a, the by-law shall provide that the principal shall be repaid in annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid, but the by-law may provide for annual instalments of combined principal and interest. ^{Principal and interest payments}

(2) The said section 197 is amended by adding thereto the following subsections: ^{1953, c. 73, s. 197, amended}

- (2a) The by-law may provide that the principal shall be repaid at a fixed date with interest payable annually or semi-annually, in which case debentures issued under the by-law shall be known as sinking fund debentures. ^{Sinking fund debentures}

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- (19) When sinking fund debentures are issued, the amount of principal to be raised in each year shall be a specific sum which, with the estimated interest at a rate not exceeding 3 per cent per annum, capitalized yearly, will be sufficient to pay the principal of the debentures or any set of them, when and as it becomes due. ^{Principal levies}

- (20) When sinking fund debentures are issued, a consolidated bank account shall be kept in which the treasurer of the Metropolitan Corporation shall deposit each year during the term of the debentures on or before the date of the debentures, separate from any other account, the moneys raised for the sinking funds of all debts which are to be paid by means of sinking funds. ^{Consolidated bank account}

- (21) When sinking fund debentures are issued, there shall be a sinking fund committee which shall be composed of the treasurer of the Metropolitan Corporation and two members appointed by the Lieutenant-Governor in Council, and the two appointed members shall be paid, out of the current funds of the Metropolitan Corporation, such annual remuneration as the Lieutenant-Governor in Council may determine. ^{Sinking fund committee}

- (22) The Lieutenant-Governor in Council may appoint an alternate member for each of the appointed members and any such alternate member shall have all the powers and duties of the member in the absence or inability to act of such member. ^{Alternate members}

- Chairman (23) The treasurer of the Metropolitan Corporation shall be the chairman and treasurer of the sinking fund committee and in his absence the appointed members may appoint one of themselves as acting chairman and treasurer.
- Security (24) Each member of the sinking fund committee shall, before entering into the duties of his office, give security for the faithful performance of his duties and for duly accounting for and paying over all moneys that come into his hands, in such amount as the auditor of the Metropolitan Corporation shall determine, and in other respects the provisions of section 251 of *The Municipal Act* shall apply with respect to such security.
- Rev. Stat.,
c. 243
- Quorum (25) Two members of the sinking fund committee shall be a quorum, and all investments and disposals of investments must be approved by a majority of all the members of the committee.
- Control of
sinking
fund account (26) All assets of the sinking fund shall be under the sole control and management of the sinking fund committee and all cheques on the consolidated bank account shall be signed by the chairman and one appointed member of the sinking fund committee.
- Investments (27) The sinking fund committee shall invest and keep invested all money in the sinking fund account, and may at any time vary any such investments.
- Idem (28) The moneys in the sinking fund account shall be invested in any or all of the following ways:
- Rev. Stat.,
c. 400
- (a) in such securities as a trustee may invest in under *The Trustee Act*;
 - (b) in debentures of the Metropolitan Corporation;
 - (c) by temporary advances to the Metropolitan Corporation pending the issue and sale of any debentures of the Metropolitan Corporation;
 - (d) by temporary loans to the Metropolitan Corporation for current expenditures, but no loan for this purpose shall be made for a period beyond the end of the calendar year in which the loan is made,

and the earnings derived from any such investments shall form part of the sinking fund account, and

when

when there is more than one by-law providing for sinking fund debentures, the earnings shall be allocated to each debt in the proportion that the amount of the sinking fund of such debt bears to the aggregate of the sinking funds of all debts.

- (29) The treasurer of the Metropolitan Corporation shall prepare and lay before the Metropolitan Council in each year, before the annual metropolitan levies are made, a statement showing the sums that the Metropolitan Council will be required, by by-law, to raise for sinking funds in that year. ^{Sinking fund requirements}
- (30) If the treasurer contravenes subsection 20 or 29, he is guilty of an offence and on summary conviction is liable to a penalty of not more than \$250. ^{Offence and penalty}
- (31) If the Metropolitan Council neglects in any year to levy the amount required to be raised for a sinking fund, each member of the Metropolitan Council shall be disqualified from holding any municipal office for two years, unless he shows that he made reasonable efforts to procure the levying of such amount. ^{Failure to levy}
- (32) Notwithstanding this or any other Act, or by-law, if the amount in the sinking fund account attributable to any specific debt is sufficient, with the estimated revenue therefrom, to pay the principal of the debt as it comes due, the Municipal Board may authorize the Metropolitan Council not to raise or provide any further sum with respect to such debt. ^{Where amount in sinking fund sufficient}
- (33) No money collected for the purpose of a sinking fund shall be applied towards paying any part of the current or other expenditure of the Metropolitan Corporation or otherwise than is provided in this section. ^{No diversion of sinking funds}
- (34) When, in the opinion of all the members of the sinking fund committee, there is a surplus in the sinking fund account, the sinking fund committee may authorize the use of the surplus for the purpose of retiring unmatured debentures of the Metropolitan Corporation, or of retiring unmatured debentures of an area municipality in respect of which the Metropolitan Corporation is required to pay to the area municipality all amounts of principal and interest becoming due thereon. ^{Surplus}

Deficit
and surplus

- (35) Notwithstanding that any sinking fund debentures have been issued for the purposes of one or more area municipalities or of a board of education, any deficit in the sinking fund account shall be provided by the Metropolitan Corporation out of its current funds and any surplus in the sinking fund account shall be used as provided in subsection 34.

1953, c. 73,
s. 209,
subs. 1,
amended

22. Subsection 1 of section 209 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by inserting after the word "for" in the fourth line the words "the sinking fund or", so that the subsection shall read as follows:

Accounts,
how to be
kept

- (1) The Metropolitan Council shall keep a separate account of every debt and shall also keep two additional accounts in respect thereof, one for the interest and the other for the sinking fund or the instalments of principal, and both to be distinguished from all other accounts by a prefix designating the purpose for which the debt was contracted, and the accounts shall be kept so as to exhibit at all times the state of every debt, and the amount of money raised, obtained and appropriated for payment of it.

1953, c. 73,
s. 211,
subs. 1,
amended

23. Subsection 1 of section 211 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by inserting after the word "purpose" in the second line the words "or collected for a sinking fund", so that the subsection shall read as follows:

Liability
of members

- (1) If the Metropolitan Council applies any money raised for a special purpose or collected for a sinking fund in paying current or other expenditure, the members who vote for such application shall be personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

1953, c. 73,
s. 214,
amended

24. Section 214 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following subsections:

Smoke
abatement

- (6) Section 399 of *The Municipal Act* shall apply *mutatis mutandis* to the Metropolitan Corporation and where a by-law is passed by the Metropolitan Council under the said section applicable to an area municipality, any by-law passed by the council of such area municipality under paragraph 70 of subsection 1 of section 388, or under section 399 of *The Municipal Act*, or any predecessor of such paragraph or section shall have no effect while the by-law passed by the Metropolitan Council is in effect in such area municipality.

Rev. Stat.,
c. 243

- (7) By-laws may be passed by the Metropolitan Council, ^{Civilian defence, etc.}
- (a) for the establishment or maintenance of civilian defence committees in the Metropolitan Area; and
 - (b) for providing moneys for air raid precaution or other similar work within the Metropolitan Area.
- (8) Notwithstanding anything in this Act, the Metropolitan Council may pass by-laws authorizing the head of the department concerned to grant such of the approvals and consents required by subsection 2 of section 49, subsection 1 of section 66, subsection 2 of section 67 and subsection 2 of section 83 as are designated in the by-law, and any such by-law may prescribe terms and conditions under which any such approval or consent may be granted. ^{Delegation of approvals or consents}

25. *The Municipality of Metropolitan Toronto Act, 1953* is ^{1953, c. 73, amended} amended by adding thereto the following section:

214a. The Metropolitan Corporation may make expenditures not exceeding \$100,000 in any one year for the purpose of diffusing information respecting the advantages of the municipality as an industrial, business, educational, residential or vacation centre and may make annual grants for a period not exceeding five years, and upon the expiration of any such period may make similar grants for a further period not exceeding five years. ^{Expenditures for diffusing information}

26.—(1) Notwithstanding any trusts or conditions limiting the lands conveyed to The Corporation of the City of Toronto by Larratt William Smith and Samuel George Wood, trustees of John George Howard, by a deed dated November 1st, 1890, and registered in the Registry Office for the Registry Division of the City of Toronto as Instrument No. 7066H to the purposes of a public park for the free use, benefit and enjoyment of the citizens of the City of Toronto forever, The Corporation of the City of Toronto may convey to The Municipality of Metropolitan Toronto any part or parts of such lands for the establishment, laying out and construction of a public highway across the southerly end of High Park in the City of Toronto. ^{Authority of City to convey certain lands to the Metropolitan Corporation}

(2) The deed executed by The Corporation of the City of Toronto shall vest in The Municipality of Metropolitan Toronto a full, clear and absolute title to the lands conveyed by the deed, free from all trusts and conditions whatsoever contained in the deed referred to in subsection 1. ^{Vesting of title free of trust}

Commence-
ment

27.—(1) This Act, except sections 1, 2, 3, 4, 5, 6, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 25 and 26, comes into force on the day it receives Royal Assent.

Idem

(2) Section 1 shall be deemed to have come into force on the 15th day of April, 1953.

Idem

(3) Sections 2, 4, 5, 6, 10, 11, 12, 13, 14, 15 and 16 shall be deemed to have come into force on the 1st day of January, 1954.

Idem

(4) Sections 3, 18, 20 and 26 shall be deemed to have come into force on the 1st day of January, 1955.

Idem

(5) Section 17 comes into force on the 1st day of April, 1955.

Idem

(6) Section 25 comes into force on the 1st day of January, 1956.

Short title

28. This Act may be cited as *The Municipality of Metropolitan Toronto Amendment Act, 1955*.

CHAPTER 51

**An Act to amend
The Old Age Assistance Act, 1951**

*Assented to March 31st, 1955
Session Prorogued March 31st, 1955*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 2 of *The Old Age Assistance Act, 1951*, as enacted by section 2 of *The Old Age Assistance Amendment Act, 1952*, is repealed and the following substituted therefor:

1951
(2nd Sess.),
c. 2, s. 2,
subs. 2
(1952,
c. 68, s. 2),
re-enacted

(2) The Minister, with the approval of the Lieutenant-Governor in Council, may, from time to time, on behalf of the Government of Ontario, make one or more supplemental agreements with the Minister of National Health and Welfare on behalf of the Government of Canada amending any of the provisions of the agreement mentioned in subsection 1 in order to conform with the *Old Age Assistance Act* (Canada) as amended from time to time.

Supple-
mental
agreements
authorized

R.S.C. 1952,
c. 199

(3) Allowances may be paid in accordance with the agreement made under subsection 1 or any supplemental agreement made under subsection 2.

Payment
authorized

2. Section 6 of *The Old Age Assistance Act, 1951* is repealed and the following substituted therefor:

1951
(2nd Sess.),
c. 2, s. 6,
re-enacted

6.—(1) In the case of a recipient,

(a) for whom a committee or trustee is acting; or

When an
allowance
may be
paid to a
trustee

(b) who, in the opinion of the Director, is using or is likely to use the assistance otherwise than for his own benefit, or is incapacitated or is incapable of handling his affairs,

the

the Director may appoint a person to act for the recipient and the assistance may be paid for the benefit of the recipient to the committee or trustee mentioned in clause *a* or to the person appointed under clause *b*.

Compensation

- (2) A person acting for a recipient under subsection 1 is not entitled to any fee or other compensation or reward or to any reimbursement for any costs or expenses incurred by him.

Commencement

- 3.** This Act comes into force on the day it receives Royal Assent.

Short title

- 4.** This Act may be cited as *The Old Age Assistance Amendment Act, 1955*.

CHAPTER 52

An Act to amend The Ontario Food Terminal Act

Assented to March 31st, 1955
Session Prorogued March 31st, 1955

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 4 of *The Ontario Food Terminal Act* is repealed and the following substituted therefor: Rev. Stat., c. 261, s. 4, subs. 3, re-enacted

(3) The Board shall, in carrying out its objects, have the powers set out in sections 22 and 287 of *The Corporations Act, 1953*. Additional powers 1953, c. 19

2. Section 8 of *The Ontario Food Terminal Act* is repealed and the following substituted therefor: Rev. Stat., c. 261, s. 8, re-enacted

8. The fiscal year of the Board commences on the 1st day of April in each year and ends on the 31st day of March in the following year. Fiscal year

8a.—(1) The Board shall make a report annually to the Minister, and such report shall contain a financial statement certified by the auditor and such other matters relating to the work of the Board as the Minister may require. Annual report

(2) A copy of the report shall be filed with the Provincial Secretary, who shall submit the report to the Lieutenant-Governor in Council and shall then lay the report before the Assembly, if it is in session, or if not, at the next ensuing session. Idem

3. Section 11 of *The Ontario Food Terminal Act*, as amended by subsection 2 of section 9 of *The Municipal Tax Assistance Act, 1952*, is repealed. Rev. Stat., c. 261, s. 11, repealed

4.—(1) Section 12 of *The Ontario Food Terminal Act* is amended by striking out the word and figures "May, 1946" in the sixth line and inserting in lieu thereof the word and figures "April, 1955", so that subsection 1 of the section shall read as follows: Rev. Stat., c. 261, s. 12, amended

Markets in
Toronto,
York and
Peel

- (1) No person shall establish or operate within the City of Toronto or the Counties of York or Peel any market for the sale by wholesale of fruit and vegetables except with the approval of the Board, but this section shall not apply to any such market which was being regularly and continuously operated as of the 1st day of April, 1955, so long as it is not extended or enlarged.

Rev. Stat.,
c. 261, s. 12,
amended

- (2) The said section 12 is further amended by adding thereto the following subsection:

Interpre-
tation

- (2) In subsection 1, the expression "any market for the sale by wholesale of fruit and vegetables" includes any premises at which fruit or vegetables are purchased for resale.

Rev. Stat.,
c. 261, s. 13,
re-enacted

5. Section 13 of *The Ontario Food Terminal Act* is repealed and the following substituted therefor:

Regulations

13. Subject to the approval of the Lieutenant-Governor in Council, the Board may make regulations,
 - (a) prescribing the officers of the Board;
 - (b) prescribing the powers and duties of the manager of the Terminal and of the officers of the Board;
 - (c) prescribing the form of the seal of the Board;
 - (d) respecting the operation, management and maintenance of the Terminal;
 - (e) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Rules

14. Subject to the regulations, the Board may make rules with respect to,
 - (a) the conduct of the Board's employees;
 - (b) the conduct of the Board's tenants and their employees;
 - (c) the conduct of any person on the Board's premises for any purpose;
 - (d) the use by any person of the Board's facilities and equipment.

15. Every person who violates any of the provisions of ^{Penalties} this Act or the regulations or any rule made under this Act is guilty of an offence and on summary conviction is liable to a penalty of not more than \$50 for a first offence and to a penalty of not less than \$25 and not more than \$200 or to imprisonment for a term of not more than thirty days, or both, for any subsequent offence.

6. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

7. This Act may be cited as *The Ontario Food Terminal* ^{Short title} *Amendment Act, 1955.*

CHAPTER 53

**An Act to amend
The Ontario Fuel Board Act, 1954**

*Assented to March 31st, 1955
Session Prorogued March 31st, 1955*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 11 of *The Ontario Fuel Board Act, 1954* is ^{1954,} repealed and the following substituted therefor: ^{c. 63, s. 11,} ^{re-enacted}
11. Every order and certificate made by the Board is ^{Execution} effective if signed by two members of the Board, one ^{of documents} of whom is the chairman or the vice-chairman of the Board, and every other document made or issued by the Board is effective if signed by a member of the Board.
2. Section 14 of *The Ontario Fuel Board Act, 1954* is ^{1954,} amended by adding thereto the following subsection: ^{c. 63, s. 14,} ^{amended}
 - (2) The Board may control and regulate the re- ^{Repressuring} pressing, the maintenance of pressure in, or the ^{or flooding} flooding of an oil or natural gas horizon by the injection of oil, gas, water or other substance and may make orders with respect thereto.
3. Subsection 3 of section 16 of *The Ontario Fuel Board Act, 1954* is amended by adding at the end thereof the words ^{1954,} "but the Board may, without a hearing and without consent, ^{c. 63, s. 16,} make an order under subsection 1, other than an order increasing rates, effective for a period of not more than one year ^{subs. 3,} pending the final disposition of the application thereunder", ^{amended} so that the subsection shall read as follows:
 - (3) No order shall be made under subsection 1 without ^{Hearing} a hearing unless the municipality or other interested party and the distributor concerned consent thereto, but the Board may, without a hearing and without consent, make an order under subsection 1, other than an order increasing rates, effective for a period of not more than one year pending the final disposition of the application thereunder.

1954,
c. 63, s. 30,
re-enacted

4. Section 30 of *The Ontario Fuel Board Act, 1954* is repealed and the following substituted therefor:

Where
licences
required

30. No person shall,

- (a) acquire oil or natural gas rights; or
- (b) prospect for, or bore or drill for, or produce, oil or natural gas; or
- (c) store, transmit or distribute natural gas,

unless he is the holder of a licence for such purpose.

1954, c. 63,
s. 35, cl. b,
re-enacted

5.—(1) Clause *b* of section 35 of *The Ontario Fuel Board Act, 1954* is repealed and the following substituted therefor:

- (b) regulating and controlling the types, construction, installation, repair, replacement, use or removal of appliances for the use of natural gas and the piping, fittings and venting thereof.

1954, c. 63,
s. 35, cl. m,
re-enacted

(2) Clause *m* of the said section 35 is repealed and the following substituted therefor:

- (m) providing for the issue of licences to acquire oil or natural gas rights, or to prospect for, bore or drill for or produce oil or natural gas, or to store, transmit or distribute natural gas.

1954,
c. 63, s. 35,
amended

(3) The said section 35 is amended by adding thereto the following subsections:

Install-
ation code

- (2) Any regulation made under clause *b* of subsection 1 may adopt by reference, in whole or in part, or with such changes as the Board considers necessary, the code of standards adopted, sponsored or made by the Canadian Gas Association, the American Gas Association or the American Standards Association with respect to the types, construction, installation, repair, replacement, use or removal of appliances for the use of natural gas and the piping, fittings and venting thereof, and may require compliance with any such code that is so adopted.

Idem

- (3) If a code referred to in subsection 2 is adopted, the Board may exercise, or delegate to any person, any power of approval given to any person or authority by the code.

Commence-
ment

6.—(1) This Act, except section 5, comes into force on the day it receives Royal Assent.

(2) Section 5 shall be deemed to have come into force ^{Idem} on the 15th day of February, 1955.

7. This Act may be cited as *The Ontario Fuel Board Amend-* ^{Short title}
ment Act, 1955.

CHAPTER 54

An Act to establish the Ontario Highway Transport Board

Assented to March 31st, 1955
Session Prorogued March 31st, 1955

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Board" means Ontario Highway Transport Board established under this Act;
- (b) "Minister" means such Minister as is designated by the Lieutenant-Governor in Council;
- (c) "public commercial vehicle" means a public commercial vehicle as defined in *The Public Commercial Vehicles Act*; Rev. Stat.,
c. 304
- (d) "public vehicle" means a public vehicle as defined in *The Public Vehicles Act*. Rev. Stat.,
c. 322

2.—(1) There shall be a board known as the Ontario Highway Transport Board which shall consist of three members or as many more as the Lieutenant-Governor in Council may from time to time determine. Ontario
Highway
Transport
Board
established

(2) The members shall be appointed by the Lieutenant-Governor in Council and one of them shall be designated as chairman and one of them as vice-chairman. Appoint-
ment

3. Vacancies in the membership of the Board caused by death, resignation or otherwise may be filled by the Lieutenant-Governor in Council. Vacancies

4. Two members of the Board constitute a quorum and are sufficient for the exercise of all the jurisdiction and powers of the Board. Quorum

5.—(1) In the absence of the chairman or in case of his inability to act or if there is a vacancy in the office, the vice-chairman may act as, and has all the powers of, the chairman, including the power to complete any unfinished matter. When vice-
chairman
may act

(2)

Idem

(2) Where the vice-chairman has acted in place of the chairman, it shall be presumed conclusively that he so acted in the absence or disability or vacancy in the office of the chairman.

Staff

6. The staff of the Board shall consist of a secretary and such officers and employees as may be deemed necessary.

Money

7. The moneys required for the purposes of the Board shall be paid out of the Consolidated Revenue Fund.

Power to
take
evidence on
oath, etc.

8.—(1) The Board has the power of summoning any person and requiring him to give evidence on oath and to produce such documents and things as may be requisite and has the same power to enforce the attendance of witnesses and to compel them to give evidence and produce documents and things as is vested in any court in civil cases.

Witness
fees

(2) Every person summoned to attend before the Board shall, in the discretion of the Board, receive the like fees and allowances for so doing as if summoned to attend before the Supreme Court.

Actions
against
Board or
members

9.—(1) No action or other proceeding lies against the Board or any member of the Board or any officer, agent or employee of the Board for anything done or purporting to be done under or in pursuance of this or any other Act.

Protection
from being
called as
witnesses

(2) No member of the Board or of its staff is required to give testimony in any civil suit with regard to information obtained by him in the discharge of his official duty.

Execution
of orders

10. Every order or other document made or issued by the Board is effective if signed by two members of the Board, one of whom shall be the chairman or the vice-chairman of the Board.

Rev. Stat.,
c. 337 not
to apply

11. *The Regulations Act* does not apply to any order, decision, consent, approval or certificate issued by the Board.

Sittings

12.—(1) The Board shall sit at such times and places as the chairman may from time to time designate and shall conduct its proceedings in such manner as may seem to it most convenient for the speedy and effectual dispatch of its duties.

Use of
court house

(2) Where sittings of the Board are appointed to be held in a municipality in which a court house is situate, the Board and its members shall have in all respects the same rights as a judge of the Supreme Court with respect to the use of the court house and any part thereof, and of other buildings and apartments set aside in the municipality for the administration of justice.

(3) Where the sittings of the Board are appointed to be held in a municipality in which there is a municipal hall but no court house, the municipality shall, upon request, allow such sittings to be held in such hall and shall make all arrangements necessary and suitable for the purpose. ^{Use of town hall}

13. The Board may at any time and from time to time rehear any application and may review, amend or revoke its decisions, orders, directions, certificates or approvals and may within its jurisdiction review, amend or revoke any decision, certificate or approval heretofore made by the Ontario Municipal Board under *The Public Commercial Vehicles Act* and *The Public Vehicles Act*. ^{Power to review} Rev. Stat.,
cc. 304, 322

14. A certified copy of an order of the Board under this or any other Act may be filed in the office of the Registrar of the Supreme Court and thereupon it becomes a judgment or order of the Supreme Court enforceable in the same manner as a judgment or order of that court to the like effect. ^{Enforcement of orders}

15.—(1) The costs of and incidental to any proceeding before the Board shall be in its discretion and may be fixed in any case at a sum certain or may be taxed. ^{Costs}

(2) The Board may order by whom and to whom any costs are to be paid and by whom they are to be taxed and allowed. ^{Idem}

(3) The Board may prescribe a scale under which such costs shall be taxed. ^{Idem}

16.—(1) The Board may, at the request of the Lieutenant-Governor in Council or of its own motion or upon the application of any party to proceedings before the Board and upon such security being given as it directs, state a case in writing for the opinion of the Court of Appeal upon any question that, in the opinion of the Board, is a question of law. ^{Stated case}

(2) The Court of Appeal shall hear and determine the stated case and remit it to the Board with the opinion of the Court thereon. ^{Idem}

17. The Lieutenant-Governor in Council may at any time upon petition of any party, all parties first having been given such notice as the Lieutenant-Governor in Council deems appropriate, vary or rescind any order of the Board whether the order was made *inter partes* or otherwise, and any order that the Lieutenant-Governor in Council makes with respect thereto is binding upon the Board and all parties. ^{Lieutenant-Governor may rescind orders of Board}

Appeal on
questions
of juris-
diction
and law

18.—(1) An appeal lies from the Board to the Court of Appeal upon any question of jurisdiction or upon any question of law, but no such appeal lies unless leave to appeal is obtained from the Court within one month of the making of the order or decision sought to be appealed from or within such further time as the Court under the special circumstances of the case allows after notice to the opposite party, if any, stating the grounds of appeal.

Notice of
appeal

(2) Upon such leave being obtained, the registrar shall set the appeal down for hearing at the next sittings of the Court and the party appealing shall, within ten days, give to the parties affected by the appeal, or to the solicitors by whom such parties were represented before the Board, and to the Board, notice in writing that the case has been so set down, and the appeal shall be heard and disposed of by the Court as speedily as practicable.

Opinion
of Court

(3) On the hearing of an appeal under this section, the Court may draw such inferences as are not inconsistent with the facts expressly found by the Board and necessary for determining the question of jurisdiction or law, as the case may be, and shall specify its opinion to the Board, and the Board shall make an order in accordance with such opinion.

Board may
be heard

(4) The Board is entitled to be heard by counsel or otherwise upon the argument of any such appeal.

Costs,
rules of
practice

(5) The Supreme Court may fix the costs and fees to be taxed, allowed and paid upon appeals under this section and may make rules of practice respecting such appeals, and until such rules are made the rules of practice applicable to appeals from a judge of the Supreme Court to the Court of Appeal are applicable to appeals under this section.

Board not
liable for
costs

(6) The Board, or any member thereof, is not liable for costs in connection with any appeal or application for leave to appeal under this section.

Orders
of Board
final and
binding

19. Except as provided in sections 13, 17 and 18, every order and decision of the Board is final and binding.

Board may
make rules

20.—(1) The Board may make rules of practice and procedure applicable to proceedings before the Board under this or any other Act.

Fees
for copies,
certificates,
etc.

(2) The Board may charge and collect such fees as to it may seem proper for all copies of documents, maps or plans, and all certificates as to the same.

Certified
copies of
documents

(3) Upon the application of any person and on payment of the prescribed fee, the secretary shall deliver to such person a certified copy of any order, decision, certificate or other document issued by the Board.

21. There shall be paid upon every application to the Board or every order thereof such fee as the Board may direct, regard being had to the time occupied by the Board and its officers and the expense occasioned to the Province in the matter, and such fee shall be paid in the first instance by the applicant and shall be a debt due by the applicant to Her Majesty and a summary order may be made by the Board for payment thereof, and such summary order may be made an order of the Supreme Court. ^{Fees of Board}

22. All fees charged and collected by the Board shall be paid over, accompanied by a detailed statement thereof, to the Treasurer of Ontario at such intervals as he may require. ^{Payment over to Province}

23. Every document purporting to be signed by a member or the secretary of the Board is without proof of the signature *prima facie* evidence that the document was duly signed, and a copy of such document in the custody of the secretary or on record with the Board purporting to be certified by the secretary shall be *prima facie* evidence of such document without proof of the signature of the secretary. ^{Evidence of documents}

24.—(1) The Board shall, after the close of each calendar year, make an annual report upon the affairs of the Board to the Minister who shall file it with the Provincial Secretary. ^{Annual report}

(2) The Provincial Secretary shall submit the report to the Lieutenant-Governor in Council, and shall then lay the report before the Assembly, if it is in session, or if not, at the next ensuing session. ^{Tabling}

25.—(1) Clause *a* of section 1 of *The Public Commercial Vehicles Act* is amended by striking out the words "Ontario Municipal Board" and inserting in lieu thereof the words "Ontario Highway Transport Board", so that the clause shall read as follows: ^{Rev. Stat., c. 304, s. 11, cl. a, amended}

(a) "Board" means Ontario Highway Transport Board.

(2) Clause *a* of section 1 of *The Public Vehicles Act* is amended by striking out the words "Ontario Municipal Board" and inserting in lieu thereof the words "Ontario Highway Transport Board", so that the clause shall read as follows: ^{Rev. Stat., c. 322, s. 1, cl. a, amended}

(a) "Board" means Ontario Highway Transport Board.

26. This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation. ^{Commencement}

27. This Act may be cited as *The Ontario Highway Transport Board Act, 1955*. ^{Short title}

CHAPTER 55

An Act respecting The Ontario Hurricane Relief Fund

*Assented to March 31st, 1955
Session Prorogued March 31st, 1955*

WHEREAS by letters patent dated the 19th day of ^{Preamble}
October, 1954, The Ontario Hurricane Relief Fund was
created a corporation under *The Corporations Act, 1953* for the ^{1953, c. 19}
purpose of collecting and disbursing funds for the assistance
and relief of persons in Ontario who suffered as a result of the
storms and accompanying floods which occurred in Ontario
on or about the 15th and 16th days of October, 1954; and
whereas it is desirable as a preliminary to the winding up of
the Corporation to transfer certain moneys from the Corpora-
tion to the Workmen's Compensation Board for the purposes
hereinafter set forth:

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1.—(1) The Ontario Hurricane Relief Fund is hereby ^{Agreement}
authorized to enter into an agreement with the Workmen's ^{authorized}
Compensation Board to pay over to the Board a sum of
money to provide assistance and relief in accordance with
subsection 2 for such dependants of deceased victims of the
said storms and floods as are named in the agreement.

(2) The Workmen's Compensation Board is hereby author- ^{Idem}
ized to enter into an agreement with The Ontario Hurricane
Relief Fund, to accept and to credit to the Pension Fund of
the Board the said sum of money and to provide from the
Pension Fund assistance and relief for the said dependants
in such amounts and subject to such terms, conditions and
limitations as are provided in the agreement and in *The* ^{Rev. Stat.,}
Workmen's Compensation Act in force at the date of the ^{c. 430}
coming into force of this Act.

(3) In the event of disagreement between any dependant ^{Provision}
and the Board regarding the amount payable to such depend- ^{for settle-}
ant out of the Pension Fund or regarding the continuation of ^{ment of}
^{disagree-}
^{ments}

such

such payments, the matter shall be referred to the Deputy Attorney-General or the Acting Deputy Attorney-General and his decision thereon is final.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Ontario Hurricane Relief Fund Act, 1955*.

CHAPTER 56

**An Act to amend
The Ontario-Manitoba Boundary Line Act, 1953**

*Assented to March 31st, 1955
Session Prorogued March 31st, 1955*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Schedule to *The Ontario-Manitoba Boundary Line Act, 1953* is amended by striking out the figures "1929" in the thirty-seventh line and inserting in lieu thereof the figures "1930". 1953, c. 76,
Sched.,
amended

2. This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation. Commence-
ment

3. This Act may be cited as *The Ontario-Manitoba Boundary Line Amendment Act, 1955*. Short title

CHAPTER 57

An Act to amend The Ontario Municipal Improvement Corporation Act

Assented to March 31st, 1955
Session Prorogued March 31st, 1955

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Ontario Municipal Improvement Corporation Act* Rev. Stat., c. 263, is amended by renumbering section 1 as section 1*a* and by amended adding thereto the following section:

1. In this Act, "municipality" means a county, city, Interpretation town, village, township, improvement district or school board, and "municipal" has a corresponding meaning.

2.—(1) Subsection 1 of section 1*a* of *The Ontario Municipal Improvement Corporation Act*, Rev. Stat., c. 263, s. 1*a*, as renumbered by section 1 of subs. 1, this Act, is amended by adding thereto the following clause: amended

- (e) school board undertakings.

(2) Subsection 2 of the said section 1*a* is repealed and the following substituted therefor: Rev. Stat., c. 263, s. 1*a*, subs. 2, re-enacted

- (2) The Ontario Municipal Improvement Corporation, Membership hereinafter called the Corporation, shall be composed of not less than three and not more than five members appointed by the Lieutenant-Governor in Council.

(2*a*) *The Corporations Act, 1953* does not apply to the Application of 1953, c. 19 Corporation.

(3) Subsection 3 of the said section 1*a* is amended by Rev. Stat., c. 263, s. 1*a*, striking out the word "three" in the first line, so that the sub- subs. 3, section shall read as follows: amended

- (3) The members for the time being of the Corporation Board of Directors shall form and be its board of directors and the Lieutenant-Governor in Council shall designate one of them as chairman and one of them as vice-chairman of the board.

Rev. Stat.,
c. 263, s. 1a,
amended

(4) The said section 1a is amended by adding thereto the following subsection:

Remunera-
tion

(6) The Corporation may pay such of its members as are not officers in the public service of Ontario such remuneration and expense allowance as are from time to time fixed by the Lieutenant-Governor in Council.

Rev. Stat.,
c. 263, s. 3,
amended

3. Section 3 of *The Ontario Municipal Improvement Corporation Act* is amended by striking out the word "shall" in the first line and inserting in lieu thereof the word "may", so that the section shall read as follows:

Debentures
to be
redeemable
before
maturity

3. Every debenture issued by the Corporation may be expressed to be redeemable, at the option of the Corporation, on any date prior to maturity according to the mode, terms, periods, times and places of redemption approved by the Lieutenant-Governor in Council and as the regulations may provide.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Ontario Municipal Improvement Corporation Amendment Act, 1955*.

CHAPTER 58

An Act to reconstitute The Ontario Society for the Prevention of Cruelty to Animals

Assented to March 31st, 1955
Session Prorogued March 31st, 1955

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, "animals" includes domestic fowl and birds ^{Interpre-}
kept as pets. ^{tation}
2. The Ontario Society for the Prevention of Cruelty to ^{Society}
Animals, a body politic and corporate incorporated by ^{continued} *An*
Act to Incorporate the Ontario Society for the Prevention of 1919, c. 124
Cruelty to Animals, being chapter 124 of the Statutes of
Ontario, 1919, is ^{continued}.
3. The object of the Society is to facilitate and provide for ^{Object}
the prevention of cruelty to animals and their protection and
relief therefrom.
4. The Society shall consist of class A members, being ^{Membership}
affiliated societies, class B members, being individual members,
and class C members, being honorary members, and each class
shall have such rights and obligations as the by-laws of the
Society prescribe.
5. The affairs of the Society shall be controlled and managed ^{Board of}
by a board of directors and by an executive committee, both ^{directors;}
of which shall be composed and have such powers and duties ^{executive}
as the by-laws of the Society prescribe. ^{committee}
6. The Society shall have such officers with such powers ^{Officers}
and duties as the by-laws of the Society prescribe.
- 7.—(1) The Society may pass such by-laws, not contrary ^{By-laws,}
to law, as it deems necessary for the control and management
of its affairs and the carrying out of its object.

(2) No by-law of the Society shall be valid or acted upon ^{approval}
until it has been approved by a majority of the votes cast in
accordance with the by-laws of the Society at an annual or
special general meeting.

annulment

(3) The Lieutenant-Governor in Council may annul any by-law of the Society.

Powers

8. The Society,

- (a) may acquire and hold as purchasers, donees, devisees or legatees, or in any other capacity, any interest in real estate;
- (b) may accept, receive and hold gifts, bequests or subscriptions of personal estate;
- (c) may grant, lease, bargain for, mortgage, sell, assign or otherwise dispose of any of its real or personal estate;
- (d) may erect, construct, equip and maintain such buildings and works as it deems advisable for its purposes; and
- (e) may do all such other matters and things as it deems advisable for carrying out its object.

Exemption of property from taxation

9. The lands and buildings of the Society shall be exempt from taxation except for local improvements and school purposes so long as they are held, used and occupied for the purposes of the Society.

Prohibition

10. No society, association or group of individuals, whether incorporated or unincorporated, that is established after this Act comes into force shall profess to function as a society having for its object the welfare of or the prevention of cruelty to animals unless it is incorporated and becomes affiliated with the Society in accordance with the by-laws of the Society.

Inspectors and agents to have powers of constable

11.—(1) For the purposes of the enforcement of this or any other Act or law in force in Ontario pertaining to the welfare of or the prevention of cruelty to animals, every inspector and agent of the Society shall have and may exercise any of the powers of a police officer.

Inspectors and agents of affiliates

(2) Every inspector and agent of an affiliated society who has been approved by the Society may exercise any of the powers of an inspector or agent of the Society under this Act.

Local police powers

(3) In any part of Ontario in which the Society or an affiliated society does not function, any police officer having jurisdiction in that part shall have and may exercise any of the powers of an inspector or agent of the Society under this Act.

12.—(1) If there is reasonable ground for believing that an animal has been confined in any place without necessary food, water and attention for more than fifteen consecutive hours, an inspector or agent of the Society may open and enter the building in which the animal is confined and may supply it with necessary food, water and attention as long as it remains there without such necessities, or, if he deems it advisable, may remove the animal. ^{Power to supply necessities to confined animals}

(2) The inspector or agent shall forthwith after an entry or removal under subsection 1, notify the owner or custodian of the animal, if known, of his action. ^{Notice}

(3) The inspector or agent shall not be liable for any entry or removal under subsection 1, and may recover from the owner or custodian of the animal the amount of the expenses incurred by him in supplying food, water and attention. ^{No liability; expenses}

13.—(1) If there is reasonable ground for believing that an animal is being ill-treated or neglected, an inspector or agent of the Society may at any time force an entrance into the building, structure, enclosure, car, vehicle, aircraft or vessel in which the animal is, and remove it therefrom. ^{Power to enter premises, etc.}

(2) The inspector or agent shall forthwith after an entry and removal under subsection 1, notify the owner or custodian of the animal, if known, of his action. ^{Notice}

14.—(1) If there is reasonable ground for believing that an animal is being ill-treated or neglected, an inspector or agent of the Society may take possession of it in any place for the purpose of having it examined by a veterinary surgeon. ^{Taking possession of animals}

(2) The inspector or agent shall forthwith after taking possession of an animal notify its owner or custodian, if known, of the time and place of the examination. ^{Notice}

(3) If in the opinion of the veterinary surgeon the animal has been ill-treated or neglected, the inspector or agent, with or without the consent of the owner or custodian of the animal, may, with the approval of the veterinary surgeon, forthwith destroy it or may place it under proper care and treatment and keep it under such care and treatment for a period of not more than thirty days during which time the owner or custodian shall have access to and use of the animal with the approval of the veterinary surgeon. ^{Destruction and treatment of animals}

(4) If an inspector or agent who has taken possession of an animal under this section is unable to arrange for its examination by a veterinary surgeon, he may, with the consent of the owner or custodian of the animal, forthwith destroy it or place it under such care and treatment as is available. ^{Idem}

Liability of
owner for
expenses

(5) The owner or custodian of any such animal shall be liable for its food, care and treatment and the Society shall have a lien on it therefor.

Power to
sell

(6) If the owner or custodian of the animal refuses to pay for such food, care and treatment within five days after being notified, or if the owner or custodian, after reasonable inquiry, cannot be found, the Society may sell or dispose of the animal and reimburse itself out of the proceeds, holding the balance in trust for the owner or other person entitled thereto.

1919, c. 124,
repealed

15.—(1) *An Act to Incorporate the Ontario Society for the Prevention of Cruelty to Animals*, being chapter 124 of the Statutes of Ontario, 1919, is repealed.

Continuation
of Society

(2) Until the Society is reconstituted under this Act and a by-law is passed to that effect, it may, notwithstanding the repeal of the Act mentioned in subsection 1, continue to operate as if that Act had not been repealed.

Short title

16. This Act may be cited as *The Ontario Society for the Prevention of Cruelty to Animals Act, 1955*.

CHAPTER 59

An Act to incorporate The Ontario-St. Lawrence Development Commission

Assented to March 31st, 1955
Session Prorogued March 31st, 1955

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpreta-
tion

- (a) "Commission" means The Ontario-St. Lawrence Development Commission established by this Act;
- (b) "Minister" means the member of the Executive Council to whom the administration of this Act is assigned by the Lieutenant-Governor in Council;
- (c) "Parks" means all land in the counties of Glengarry, Stormont, Dundas, Grenville, and Leeds hereafter vested in or placed under the control of the Commission, including highways, roads and boulevards and any interest in land.

2.—(1) There is hereby constituted on behalf of Her Majesty in right of Ontario a corporation without share capital under the name of The Ontario-St. Lawrence Development Commission, consisting of not less than three and not more than nine members, of whom one shall be chairman and two shall be vice-chairmen.

Commission
established

(2) The Lieutenant-Governor in Council shall appoint the chairman, the first vice-chairman and the second vice-chairman of the Commission, each of whom shall hold office during good behaviour for a term not exceeding ten years and each of whom shall be paid such salary as may be fixed by the Lieutenant-Governor in Council.

Appoint-
ment of
chairman
and vice-
chairmen

(3) The Lieutenant-Governor in Council shall from time to time appoint such other members of the Commission as are deemed advisable who shall hold office for such terms and upon such conditions as the Lieutenant-Governor in Council prescribes.

Appoint-
ment of
other
members

Re-appoint-
ment

(4) On the expiration of his term of office, a member who has been appointed chairman or a vice-chairman may be re-appointed for a further term of office not exceeding ten years.

Vacancies

(5) Vacancies in the membership of the Commission may be filled by the Lieutenant-Governor in Council.

Members of
Assembly
Rev. Stat.,
c. 202

(6) Notwithstanding *The Legislative Assembly Act*, any member of the Assembly may be appointed as a member of the Commission and be entitled to act as such without thereby vacating or forfeiting his seat or incurring any other penalty for sitting or voting as a member of the Assembly.

Quorum

(7) The powers of the Commission may be exercised by a majority of the members.

Executive
committee

3.—(1) The chairman and two vice-chairmen shall be the chief executive officers of the Commission and shall constitute an executive committee which shall be charged with the direction and control of the business of the Commission and it may exercise all of the powers of the Commission in its name, except the making of by-laws, and may, subject to any by-law, delegate such powers as it sees fit to any of the other members of the Commission.

Absence of
chairman

(2) During the incapacity or absence for any reason of the chairman or during a vacancy in the office of the chairman, the first vice-chairman, or in his incapacity or absence the second vice-chairman, may exercise and perform all the powers and functions of the chairman.

Quorum

(3) The powers of the executive committee may be exercised by a majority of them.

Staff

4.—(1) The Lieutenant-Governor in Council may appoint such officers, clerks or other employees as may be necessary for the purposes of the Commission and shall fix their salaries, wages or other remuneration.

Idem

Rev. Stat.,
c. 317

(2) All such officers, clerks or other employees so appointed shall be subject to *The Public Service Act* and shall be civil servants within the meaning of that Act.

Expenses

5. All expenditures, costs, charges and expenses incurred and payable in respect of the carrying out of this Act, including the salaries and expenses of the members of the Commission and of the officers, clerks and other employees thereof and including all capital expenditures authorized by the Lieutenant-Governor in Council, shall be paid out of such moneys as are appropriated therefor by the Legislature.

6.—(1) It is the duty of the Commission to develop, con-^{General}trol, manage, operate and maintain the Parks and for the ^{powers and} purposes of carrying out such duty the Commission has power, ^{duties}

- (a) to make such by-laws, rules and orders as may be deemed expedient for the constitution of the Commission and the administration and management of its affairs and the conduct of its business;
- (b) to acquire, construct, operate, maintain and generally manage and provide recreational facilities, restaurants, refreshment booths, stands for the sale of souvenirs and other wares, shops, sanitary and toilet facilities, buses and other vehicles for use in connection with the Parks, boats and boat lines, camp sites and any and all other facilities or conveniences incidental to or necessary for the proper operation and maintenance of the Parks;
- (c) to make agreements with persons with respect to the establishment or operation by them of any works or services in connection with the Parks;
- (d) to operate and maintain a school for the training of apprentice gardeners;
- (e) to receive and take from any person by grant, gift, devise, bequest or otherwise any property real or personal or any interest therein.

(2) It is the duty of the Commission to investigate and inquire into any matter or subject affecting or incidental to the welfare of the municipalities in the counties of Glengarry, Stormont, Dundas, Grenville, and Leeds, or any of them, or the inhabitants thereof as may be referred to the Commission by a member of the Executive Council or any such municipality or inhabitant, and the Commission may report thereon to such member, municipality or inhabitant or any of them. ^{General power to investigate matters upon request of Minister, municipality or inhabitant}

7. With the approval of the Lieutenant-Governor in ^{Qualified}Council, the Commission has power, ^{powers}

- (a) to acquire by purchase, lease or otherwise and with or without the consent of the owner enter upon, take and expropriate and sell or otherwise dispose of any land or any interest in land;
- (b) to construct or acquire by purchase, lease or otherwise and operate and maintain bridges over the St. Lawrence River.

Expropria-
tion
Rev. Stat.,
c. 323

8.—(1) The Commission in the exercise of its powers to take land compulsorily has all the powers conferred by *The Public Works Act* on the Minister of Public Works in relation to a public work, and in the application of this section where the words “the Minister”, “the Department” or “the Crown” appear in such Act they, where the context permits, mean the Commission, and the taking of such land by the Commission shall be deemed to be for the public purposes of Ontario.

Procedure

(2) The Commission shall proceed in the manner provided by *The Public Works Act* where the Minister of Public Works enters upon, takes or uses land or property for the public purposes of Ontario and all the provisions of that Act apply *mutatis mutandis*.

Vesting
of land

(3) Upon the deposit in the proper registry or land titles office of a plan and description of the land required by the Commission, signed by the chairman of the Commission and by an Ontario land surveyor, the land so described thereupon vests in the Commission.

Highways

9.—(1) Notwithstanding any general or special Act, the Lieutenant-Governor in Council may vest any highway in any municipality in the Commission and thereafter the Commission shall have exclusive jurisdiction over it.

Idem

(2) The Commission and any municipality may enter into agreement as to the acquisition by the Commission or by the municipality of any highway or any land therefor or as to the establishing, laying out, opening, grading, paving, altering, constructing, re-constructing, maintaining or repairing of any highway, including, subject to subsection 3, the cost or the apportionment of the cost of the same and the payment thereof.

Compensa-
tion

(3) Every agreement entered into under subsection 2 shall provide that the cost of any lands acquired pursuant thereto and all compensation payable in respect of such acquisition or for injurious affection to lands by reason of any work undertaken under any such agreement shall be borne and paid solely by the municipality entering into the agreement.

Controlled-
access
highways

10.—(1) The Lieutenant-Governor in Council may designate any portion of any of the highways, roads, boulevards or parkways of the Commission as a controlled-access highway.

Idem

(2) The Lieutenant-Governor in Council may, in respect of any portion of any such highway, road, boulevard or parkway so designated, make any regulation that he may make in respect of controlled-access highways under *The Highway Improvement Act*.

Rev. Stat.,
c. 166

11.—(1) The Commission may enter into agreement with any municipality within which any lands of the Commission are situate or that adjoins or is within three miles of the lands of the Commission as to any work of any of the characters or descriptions mentioned in *The Local Improvement Act*, and the Commission may agree to contribute any sum towards the cost of any work undertaken, either in cash or by annual or other instalments or otherwise, but the Commission is not liable in any way for assessment under *The Local Improvement Act* for the cost of any such work, whether the lands abut directly on the work or otherwise.

Local improvement works
Rev. Stat.,
c. 215

(2) It is not necessary to submit any agreement entered into under this section for the assent of the electors of the municipality, nor is it necessary to receive the assent of the electors of the municipality for the issue of debentures to defray the cost of the work undertaken under any such agreement.

Idem

12. All lands of the Commission wherever situate are exempt from assessment or taxation by any municipality.

Lands exempt from taxation

13. The Commission shall cause books to be kept and true and regular accounts to be entered therein of all moneys received and paid and of the several purposes for which the same were received and paid, and such books shall be open to the inspection of any member of the Commission, the Treasurer of Ontario or any person appointed by the Commission or Treasurer for that purpose, and any such person may make copies of or take extracts from the books.

Books of account

14. Every person who is entrusted by the Commission with the custody or control of money in the course of his employment shall give security in the manner and form provided by *The Public Officers Act*.

Security by officers
Rev. Stat.,
c. 311

15. The books and records of the Commission shall be examined annually by the Provincial Auditor or such other auditor as the Lieutenant-Governor in Council designates.

Audit

16.—(1) The Commission shall make a report annually to the Minister containing such information as the Minister may require.

Annual report

(2) A copy of the report shall be filed with the Provincial Secretary who shall submit the report to the Lieutenant-Governor in Council and shall then lay the report before the Assembly, if it is in session, or if not, at the next ensuing session.

Idem

17.—(1) The Commission, with the approval of the Lieutenant-Governor in Council, may make regulations,

Regulations

- (a) regulating and governing the use by the public of the Parks and the works, vehicles, boats, services and things under the jurisdiction of the Commission;
- (b) providing for the protection and preservation from damage of the property of the Commission;
- (c) prescribing tolls for the occupation and use of Park lands and works, vehicles, boats, recreational facilities and services under the jurisdiction of the Commission, for opening and closing graves or any class thereof in any cemetery in the Parks, and for entrance to places of historical and scenic interest or any other occupation or uses of a similar nature;
- (d) prescribing permits designating privileges in connection with the use of the Parks or any part thereof and prescribing fees for such permits;
- (e) regulating and governing vehicular and pedestrian traffic in the Parks or any part thereof and prohibiting the use of any class or classes of vehicles in the Parks or any part thereof;
- (f) prohibiting or regulating and governing the erection, posting up or other display of notices, signs, sign boards and other advertising devices in the Parks or within one-quarter mile of any part thereof;
- (g) licensing, regulating and governing taxi-cabs and other vehicles for hire and the owners and drivers thereof, and prescribing fees for such licences;
- (h) licensing, regulating and governing guides and prescribing fees for such licences;
- (i) prescribing terms and conditions under which horses, dogs and other animals may be allowed in the Parks or any part thereof;
- (j) for imposing penalties not exceeding \$100 for any breach of any regulation;
- (k) for such other purposes and objects as are deemed necessary for the carrying out of this Act.

Offences

Rev. Stat.,
c. 379

(2) Any offence against any regulation made under this Act is punishable under *The Summary Convictions Act* and the penalty for any such offence is payable to the Treasurer of Ontario.

18. Nothing in this Act authorizes the interference with any right to inter the body of any deceased person in any burying ground vested in the Commission and nothing in this Act confers the right to remove any body there interred. Rights of interment not affected

19. *The Corporations Act, 1953* does not apply to the Commission. 1953, c. 19 not applicable

20. This Act comes into force on the day it receives Royal Assent. Commencement

21. This Act may be cited as *The Ontario-St. Lawrence Development Commission Act, 1955*. Short title

CHAPTER 60

An Act to incorporate The Ontario Telephone Development Corporation

Assented to March 31st, 1955
Session Prorogued March 31st, 1955

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpreta-
tion

(a) "Authority" means Ontario Telephone Authority;

(b) "Board" means Ontario Municipal Board;

(c) "Corporation" means The Ontario Telephone Development Corporation constituted under this Act.

2.—(1) There is hereby constituted on behalf of Her Majesty in right of Ontario a corporation without share capital under the name of The Ontario Telephone Development Corporation, having as its object the improvement of telephone systems in Ontario.

Corporation
constituted

(2) The Corporation shall be composed of not less than three and not more than five members, as the Lieutenant-Governor in Council may from time to time determine, who shall hold office as members during the pleasure of the Lieutenant-Governor in Council and who shall be such officers in the public service of Ontario or such members of the Authority as the Lieutenant-Governor in Council may from time to time appoint.

Membership

(3) The members for the time being of the Corporation form and are its board of directors and the Lieutenant-Governor in Council shall designate one of them as chairman and one of them as vice-chairman of the board of directors.

Board of
directors

(4) Subject to the regulations, the affairs of the Corporation shall be under the management and control of the board of directors and in the absence of the chairman, or if at any time that office is vacant, the vice-chairman shall have all the powers and perform the duties of the chairman.

(5)

Remunera-
tion of
directors

(5) The Corporation may pay to its directors such remuneration and expense allowances as are from time to time fixed by the Lieutenant-Governor in Council.

Head office

(6) The head office of the Corporation shall be at the City of Toronto in the County of York.

Not to be
carried on
for gain

3. The Corporation shall be carried on without the purpose of gain for its members and any profits or other accretions to the Corporation shall be used in promoting its objects.

Powers

4.—(1) To carry out its objects, the Corporation has power, subject to the regulations, if any,

- (a) to acquire by purchase, lease or otherwise, existing telephone systems or parts thereof;
- (b) to construct, operate and maintain new telephone systems and telephone systems acquired by it, and extensions of its telephone systems;
- (c) to sell its telephone systems or any part or parts thereof;
- (d) to purchase and sell shares of companies operating telephone systems or incorporated for the purpose of operating telephone systems.

Expropria-
tion of
telephone
systems

(2) Where the Corporation proposes to expropriate a telephone system or any part thereof, it may offer to purchase the system or part at a fixed price and if the owner does not accept the price so offered, within one month from the date of the offer, the Corporation may, with the consent of the Authority, pass a by-law for expropriating the system or the part thereof.

Vesting and
possession

(3) Upon the day fixed therefor in the by-law, which shall be not less than one month after the by-law is passed, the telephone system or the part thereof which the Corporation offered to purchase vests in the Corporation and the Corporation may take possession of the system or part, and shall make due compensation to the owner therefor.

Compensa-
tion

(4) The amount of the compensation, if not mutually agreed upon, shall be determined by the Board.

Where land
included

(5) Where the property of the system or part to be expropriated includes land, the by-law shall contain a description of the land, and, if it includes an easement or other right in the nature of an easement, the by-law shall contain a statement of the nature and extent of the easement to be

expropriated;

expropriated; and the by-law shall be registered in the proper registry or land titles office.

(6) In fixing the price to be offered or the compensation to be made where part only of a system is proposed to be purchased or is expropriated, there shall be included in the price or compensation, as the case may be, a sum sufficient to compensate the owner of the system for any damage directly resulting from the severance. ^{Damage resulting from severance}

5.—(1) Where,

^{Payments re}
debentures

- (a) the Corporation acquires, by purchase or expropriation, a municipal telephone system that is subject to Part I or Part II of *The Telephone Act, 1954*; and ^{1954, c. 94}
- (b) debentures of the municipality issued in respect of the system are then outstanding and unpaid,

the Corporation and the municipality may agree, or the Board in determining the compensation may order the Corporation to pay to the municipality before the due date all amounts of principal and interest becoming due upon such outstanding debentures, or upon such of them as the agreement or order provides.

(2) Where the municipal telephone system purchased or expropriated by the Corporation is subject to Part II of *The Telephone Act, 1954* and an agreement or order is made under subsection 1, any debentures theretofore issued in respect of the system and outstanding and unpaid cease to be a charge upon the lands of the respective subscribers or any of them. ^{Subscribers' lands released from debt}

(3) Where an agreement or order is made under subsection 1 in respect of any debentures outstanding and unpaid, the municipality shall raise in each year during the currency of all outstanding debentures issued in respect of the system, by a special rate on all the rateable property in the municipality, the sums of principal and interest payable in respect of the debentures in such year to the extent that such sums are not provided out of the proceeds of the sale and the moneys payable by the Corporation under the agreement or order. ^{Special rates}

6.—(1) The Corporation, in addition to its powers under subsection 2 of section 4, has power, ^{Acquisition of land}

- (a) to acquire by purchase, lease or otherwise;
- (b) without the consent of the owner, to enter upon, take and expropriate; and

(c)

(c) to sell or otherwise dispose of,
any land or any interest in land.

Expropria-
tion
Rev. Stat.,
c. 323

(2) The Corporation in the exercise of its powers to take land compulsorily has all the powers conferred by *The Public Works Act* on the Minister of Public Works in relation to a public work, and in the application of this section where the words "the Minister", "the Department" or "the Crown" appear in such Act they, where the context permits, mean the Corporation, and the taking of such land by the Corporation shall be deemed to be for the public purposes of Ontario.

Procedure

(3) The Corporation shall proceed in the manner provided by *The Public Works Act* where the Minister of Public Works enters upon, takes or uses land or property for the public purposes of Ontario and all the provisions of that Act apply *mutatis mutandis*.

Mode of
perfecting
title

(4) Upon the deposit in the proper registry or land titles office of a plan and description of the land required by the Corporation, signed by the chairman of the board of directors of the Corporation and by an Ontario land surveyor, the land so described thereupon vests in the Corporation.

Borrowing
powers:

7.—(1) To carry out its object, the Corporation has power, with the approval of the Lieutenant-Governor in Council and subject to the regulations, to raise from time to time, by way of loan, such sums of money as it deems expedient, and such loans may be made in any or all of the following ways or partly in one and partly in another or others:

debentures

(a) by the issue and sale of debentures of the Corporation issued in such form and denominations and at such rate of interest and with the principal and interest thereof payable at such periods, times and places as the Lieutenant-Governor in Council deems expedient and as the regulations may provide;

bills and
notes

(b) by the issue and sale of treasury bills or notes of the Corporation issued in such form and denominations and at such rate of interest and with the principal and interest thereof payable at such periods, times and places as the Lieutenant-Governor in Council deems expedient and as the regulations may provide; and

temporary
loans

(c) by temporary loans as the Lieutenant-Governor in Council deems expedient and as the regulations may provide.

(2) The Corporation has power, with the approval of the Lieutenant-Governor in Council and subject to the regulations, to raise from time to time, by way of loan and by any of the ways set forth in subsection 1, any sum or sums of money for any one or more of the following purposes:

- (a) payment, retirement, refunding or renewal of the whole or any part of any debentures, bills or notes issued by the Corporation under clause *a* or *b* of subsection 1; and
- (b) payment, retirement, refunding or renewal of the whole or any part of any temporary loan made by the Corporation under clause *c* of subsection 1.

(3) Debentures issued by the Corporation may be expressed to be redeemable, at the option of the Corporation, on any date prior to maturity according to the mode, terms, periods, times and places of redemption approved by the Lieutenant-Governor in Council and as the regulations may provide.

(4) Every debenture, bill or note issued by the Corporation shall contain a statement in the body thereof that it is issued under the authority of this Act and no debenture, bill or note purporting to be issued by the Corporation is valid unless such statement is so contained.

(5) Every advertisement for the sale by the Corporation of any of its debentures, bills or notes shall contain a statement that the issue and sale of the debentures, bills or notes are made under the authority of this Act.

(6) Where a debenture, bill or note of the Corporation is defaced, lost or destroyed, the board of directors may provide for its replacement on such terms as to evidence and as to indemnity as the board requires.

8.—(1) The Lieutenant-Governor in Council may authorize the Treasurer of Ontario to guarantee payment by the Province of any debentures, bills or notes issued by, or of any temporary loan made to the Corporation under the authority of this Act.

(2) The form of guaranty and the manner of execution shall be determined by the Lieutenant-Governor in Council.

(3) Every guaranty given or purporting to be given under the authority of this section is binding upon the Province and is not open to question upon any ground whatsoever.

Guaranteed
debentures,
etc.

(4) Any debenture, bill or note issued by, or temporary loan made to the Corporation, payment whereof is guaranteed by the Province under this section, is valid and binding upon the Corporation, its successors and assigns according to its terms, and the validity of any debenture, bill or note or temporary loan so guaranteed is not open to question on any ground whatsoever.

Trustees,
etc., invest-
ments in
debentures

9. Notwithstanding anything in any other Act, debentures issued by the Corporation are at all times a lawful investment for municipal, school and trust funds.

Audit

10. The books and records of the Corporation shall be audited annually by the provincial Auditor or such other auditor as the Lieutenant-Governor in Council designates.

Report

11.—(1) The Corporation shall make a report annually to the member of the Executive Council to whom the administration of this Act is assigned and to the Authority, and such report shall contain a financial statement certified by the auditor and such other matters relating to the work of the Corporation as may appear to be of public interest.

Idem

(2) A copy of the report shall be filed with the Provincial Secretary, who shall submit the report to the Lieutenant-Governor in Council and shall then lay the report before the Assembly, if it is then in session, or if not, at the next ensuing session.

Regulations

12. The Lieutenant-Governor in Council may make regulations governing,

- (a) the management, control and administration of the affairs of the Corporation;
- (b) the issue and sale of debentures, bills or notes and the making of temporary loans by the Corporation;
- (c) the payment, retirement, refunding or renewal of debentures, bills or notes issued and loans made by the Corporation;
- (d) the redemption before maturity of any debentures issued by the Corporation;
- (e) the registration of debentures issued by the Corporation and the keeping of debenture registers in connection therewith;
- (f) the guarantee of payment by the Province of any debentures, bills or notes issued and loans made by

the

the Corporation, and the form and manner of execution of any guaranty of payment;

- (g) the acquisition of existing telephone systems by the Corporation;
- (h) the construction, operation and maintenance of telephone systems, and extensions thereof, by the Corporation;
- (i) the sale of its telephone systems, or any part or parts thereof, by the Corporation;
- (j) the purchase and sale by the Corporation of shares of companies operating telephone systems or incorporated for the purpose of operating telephone systems;
- (k) any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

13.—(1) Except where inconsistent with this Act, *The Telephone Act, 1954* applies to the Corporation and its undertaking. The Application of 1954, c. 94

(2) *The Corporations Act, 1953* does not apply to the Corporation. 1953, c. 19 not applicable

14. This Act shall be administered by the member of the Executive Council to whom it is assigned by the Lieutenant-Governor in Council. Administration of Act

15. This Act comes into force on the day it receives Royal Assent. Commencement

16. This Act may be cited as *The Ontario Telephone Development Corporation Act, 1955*. Short title

CHAPTER 61

The Planning Act, 1955

*Assented to March 31st, 1955
Session Prorogued March 31st, 1955*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "council" means council of a municipality or board of trustees of an improvement district;
- (b) "designated municipality" means the municipality named by the Minister under subsection 5 of section 2 in the case of a joint planning area or the municipality in the case of a planning area consisting of one municipality or of one municipality and territory without municipal organization; R.S.O. 1950, c. 277, s. 1, cls. a, b, *amended*.
- (c) "joint planning area" means a planning area consisting of more than one municipality or part or parts thereof; *New*.
- (d) "local board" means any school board, public utility commission, transportation commission, public library board, board of park management, board of health, board of commissioners of police, planning board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes of a municipality or of two or more municipalities or portions thereof;
- (e) "Minister" means Minister of Planning and Development; R.S.O. 1950, c. 277, s. 1, cls. d, e.
- (f) "Municipal Board" means Ontario Municipal Board; *New*.
- (g) "municipality" means city, town, village, township or improvement district; R.S.O. 1950, c. 277, s. 1, cl. f.

(h)

- (h) "official plan" means a programme and policy, or any part thereof, covering a planning area or any part thereof, designed to secure the health, safety, convenience or welfare of the inhabitants of the area, and consisting of the texts and maps, describing such programme and policy, approved by the Minister from time to time as provided in this Act; R.S.O. 1950, c. 277, s. 1, cl. g, *amended*.
- (i) "planning area" means a planning area defined by the Minister under this Act, and includes a joint planning area and a subsidiary planning area; 1954, c. 71, s. 1, *amended*.
- (j) "public work" means any improvement of a structural nature or other undertaking that is within the jurisdiction of a council or of a local board. 1953, c. 80, s. 1, *amended*.

PART I

OFFICIAL PLANS

Establish-
ment of
planning
areas

2.—(1) The Minister, upon the application of the council of a municipality or the councils of two or more municipalities, or upon his own initiative where in his opinion it is in the interest of any area, may define and name a planning area.

Constitution
of area

(2) The planning area shall consist of part or all of one municipality or of such municipalities or parts of municipalities as in the opinion of the Minister constitute a complete planning unit having regard to the purposes for which the planning area is defined, and the Minister may include in the planning area any territory without municipal organization that adjoins a municipality or part of a municipality included in the planning area. 1952, c. 75, s. 2, *part*.

Planning
area in
unorganized
territory

(3) The Minister may define and name a planning area consisting of territory without municipal organization and may appoint a planning board for the planning area. 1952, c. 75, s. 4, *part*.

Subsidiary
planning
areas

(4) The Minister, upon the application of the council of a municipality or the councils of two or more municipalities, or upon his own initiative where in his opinion it is in the interest of any area, may define and name a subsidiary planning area consisting in whole or in part of land that is within one or more planning areas, and may define the scope and general purpose of the official plan of the subsidiary planning area and the functions of the planning board thereof. 1954, c. 71, s. 2, *amended*.

(5) In the case of a joint planning area, the Minister shall name the municipality that shall be the designated municipality for the purposes of this Part, and may define the scope and general purpose of the official plan of the planning area and the functions of the planning board thereof. 1952, c. 75, s. 2, *part, amended*.

(6) In defining the scope and general purpose of an official plan, the Minister shall have regard among other matters to the requirements of the planning area for drainage, land uses, communications and public services. R.S.O. 1950, c. 277, s. 2 (5).

(7) The Minister may dissolve or alter the boundaries of a planning area, but where an official plan is in effect in the planning area it shall remain in effect, notwithstanding the dissolution or alteration, until altered in accordance with this Part. 1952, c. 75, s. 4, *part*.

3.—(1) The council of the designated municipality shall appoint the planning board of a planning area, and every appointment to the planning board of a joint planning area is subject to the approval of the Minister. R.S.O. 1950, c. 277, s. 3, *amended*.

(2) Where a planning area consists of part or all of one municipality and territory without municipal organization, every appointment to the planning board of the planning area is subject to the approval of the Minister. 1952, c. 75, s. 3, *amended*.

4.—(1) A planning board shall be a body corporate by the name of “.....Board” (*inserting the name designated by the Minister*) and shall consist of,

- (a) where the planning area consists of part or all of one municipality or of part or all of one municipality and territory without municipal organization, the head of the council of the municipality as a member *ex officio*; or
- (b) in the case of a joint planning area, the head of the council of the designated municipality as a member *ex officio*,

and four, six or eight members who are not employees of a municipality or of a local board. R.S.O. 1950, c. 277, s. 4 (1), *amended*.

Idem

(2) The members of a planning board who are members of a municipal council shall not constitute a majority of the members of the planning board. R.S.O. 1950, c. 277, s. 4 (2).

Substitute
for head
of council

(3) The head of a council who is *ex officio* a member of the planning board, with the approval of the council, may appoint a substitute, who shall be a member of the council, to act for him from time to time. R.S.O. 1950, c. 277, s. 4 (3), *amended*.

Term of
office

(4) The members of the planning board who are not members of a municipal council shall hold office for three years, provided that on the first appointment the council of the designated municipality, from among such members, shall designate members who shall hold office,

(a) until the 1st day of January of the year following the date of appointment;

(b) until the 1st day of January of the second year following the date of appointment; and

(c) until the 1st day of January of the third year following the date of appointment,

respectively, so that as nearly as possible one-third of such members shall retire each year; and the members of the planning board who are members of a council shall be appointed annually. 1951, c. 65, s. 1.

Reap-
pointment

(5) The members of the planning board shall hold office until their successors are appointed and such appointments are approved, where approval thereof is required, and are eligible for reappointment. R.S.O. 1950, c. 277, s. 4 (5); 1954, c. 71, s. 3.

Vacancies

(6) Where a member ceases to be a member of the planning board before the expiration of his term, the council of the designated municipality shall appoint another eligible person for the unexpired portion of the term.

Quorum

(7) A majority of the members of a planning board shall constitute a quorum.

Officers

(8) The planning board shall elect a chairman and a vice-chairman who shall preside in the absence of the chairman.

Secretary-
treasurer,
employees,
consultants

(9) The planning board shall appoint a secretary-treasurer, who may be a member of the planning board, and may engage such employees and consultants as is deemed expedient. R.S.O. 1950, c. 277, s. 4 (6-9).

5. Notwithstanding anything in this Act, the Minister may, in order to suit the special needs of any planning area, vary the constitution of the planning board, the procedures by which it is appointed, the term of office of its members, and the manner in which it is to function, and designate the functions of the planning board within the scope of section 10, and may make special provisions relating to the recommendation, adoption and approval of the official plan of the planning area. 1952, c. 75, s. 5, *amended*. ^{Special provisions}

6. The execution of documents by the planning board shall be evidenced by the signatures of the chairman or the vice-chairman and of the secretary-treasurer, and the corporate seal of the planning board. R.S.O. 1950, c. 277, s. 6. ^{Execution of documents}

7.—(1) Where a planning area consists of part or all of one municipality or of part or all of one municipality and territory without municipal organization, the planning board shall submit annually to the council of the municipality an estimate of its financial requirements for the year and the council may amend such estimate and shall pay to the secretary-treasurer of the planning board out of the moneys appropriated for the planning board such amounts as may be requisitioned from time to time. ^{Finances}

(2) In the case of a joint planning area, the planning board shall submit its estimates to the council of each municipality included in the planning area, and shall submit with the estimates a statement as to the proportion thereof to be chargeable to each of the municipalities. ^{Estimates}

(3) If the estimates are approved, or are amended and approved, by the councils of municipalities in the planning area representing more than one-half of the population of the planning area, the estimates shall be binding on all the municipalities in the planning area. 1952, c. 75, s. 6, *part*. ^{Approval}

(4) After the estimates have been approved as provided in subsection 3, the planning board shall so notify each municipality in the planning area, and shall notify each municipality of the total approved estimates and the amount thereof chargeable to it, based on the apportionment set out in the statement submitted under subsection 2. 1952, c. 75, s. 6, *part*; 1954, c. 71, s. 4. ^{Notice}

(5) If the council of any municipality is not satisfied with the apportionment, it may, within fifteen days after receiving the notice under subsection 4, notify the planning board and the secretary of the Municipal Board that it desires the apportionment to be made by the Municipal Board. ^{Where apportionment unsatisfactory}

Power of
Municipal
Board

(6) The Municipal Board shall hold a hearing and determine the apportionment and its decision shall be final.

Payments

(7) Each municipality shall pay to the secretary-treasurer of the planning board such amounts as may be requisitioned from time to time up to the amount determined by the planning board under subsection 4 or by the Municipal Board under subsection 6, as the case may be.

County
acting on
behalf of
its municipi-
palities

(8) Where a planning area includes all or a majority of the municipalities forming part of a county for municipal purposes and one or more municipalities that do not form part of the county for municipal purposes, whether situated in or out of the county, the Minister may, for the purposes of this section, authorize the council of the county to act on behalf of the municipalities included in the planning area and forming part of the county for municipal purposes, and in that case the estimates and the statement of the apportionment shall be submitted only to the councils of the county and of each municipality in the planning area that does not form part of the county for municipal purposes, and the apportionment shall be made between the county and such municipalities, and subsections 1 to 7 apply *mutatis mutandis* except that the estimates must be approved by the councils of the county and of each such municipality that does not form part of the county for municipal purposes.

Recovery
by county

(9) Where a county is chargeable under subsection 8, it shall recover its payments as part of the county rates from the municipalities on behalf of which it acts in the manner provided in section 91 of *The Assessment Act*. 1952, c. 75, s. 6, *part*.

Rev. Stat.,
c. 24

Grants,
municipal

8.—(1) Any municipality within or partly within a planning area may make grants of money to the planning board.

county

(2) The county in which a planning area or part thereof is situate may make grants of money to the planning board. 1952, c. 75, s. 6, *part*.

Audit of
planning
board's
accounts
Rev. Stat.,
c. 243

9. Notwithstanding subsection 2 of section 245 of *The Municipal Act*, in the case of a joint planning area the accounts and transactions of the planning board shall be audited by an auditor of the designated municipality. 1954, c. 71, s. 5, *amended*.

Duties of
planning
boards

10.—(1) Every planning board shall investigate and survey the physical, social and economic conditions in relation to the development of the planning area and may perform such other duties of a planning nature as may be referred to it by any council having jurisdiction in the planning area, and without limiting the generality of the foregoing it shall,

- (a) prepare maps, drawings, texts, statistical information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of the planning area;
- (b) hold public meetings and publish information for the purpose of obtaining the participation and co-operation of the inhabitants of the planning area in determining the solution of problems or matters affecting the development of the planning area;
- (c) consult with any local board having jurisdiction within the planning area;
- (d) prepare a plan for the planning area suitable for adoption as the official plan thereof and forward it to the councils of the municipalities affected thereby, and recommend such plan to the council of the designated municipality for adoption;
- (e) recommend from time to time to the councils of the municipalities in the planning area the implementation of any of the features of the official plan of the planning area;
- (f) review the official plan from time to time and recommend amendments thereto to the council of the designated municipality for adoption. R.S.O. 1950, c. 277, s. 8, *amended*.

(2) No plan shall be recommended for adoption unless it is approved by a vote of the majority of all the members of the planning board. 1951, c. 65, s. 2. Recommendation of plan

11.—(1) The plan as finally prepared and recommended by the planning board shall be submitted to the council of the designated municipality. Plan to be submitted to council

(2) The council of the designated municipality may adopt the plan by a vote of the majority of all the members. R.S.O. 1950, c. 277, s. 9, *amended*. Adoption of plan

(3) In the case of a joint planning area, the council of any other municipality within or partly within the planning area may adopt the plan by a vote of the majority of all its members, Adoption by other municipality

- (a) after the expiration of ninety days from the day that the plan was recommended to the council of the designated municipality by the planning board, if the council of the designated municipality has not in the meantime adopted the plan; or

(b)

- (b) within such period of ninety days if the council of the designated municipality by resolution consents thereto. *New.*

Plan to be
submitted
to Minister

12.—(1) Upon adoption, the plan shall be submitted by the council that adopted it to the Minister who may refer the plan to any department of the public service of Ontario that may be concerned therewith and to The Hydro-Electric Power Commission of Ontario, and in the case of a joint planning area, the Minister shall refer the plan to the council of every municipality in the planning area that the Minister considers is affected by the plan, and if modifications appear desirable, the Minister shall settle such modifications as far as possible to the satisfaction of all concerned and cause the plan to be amended accordingly. R.S.O. 1950, c. 277, s. 10 (1), *amended*.

Approval by
Minister

(2) The Minister may then approve the plan, whereupon it shall be the official plan of the planning area. R.S.O. 1950, c. 277, s. 10 (2).

Lodging of
official plan

13.—(1) At least two, or as many as may be required, certified copies of the official plan shall be lodged by the planning board in the office of the Minister and one certified copy in the office of the clerk of each municipality specified by the Minister within the planning area, and the copies shall be available at such places for public inspection during office hours.

Idem

(2) A duplicate original of the official plan shall be lodged by the planning board in every registry office of lands within the planning area, where it shall be made available to the public as a production. 1954, c. 71, s. 6.

Amendments

14.—(1) The provisions of this Act with respect to an official plan apply *mutatis mutandis* to amendments thereto, provided that the Minister may, subject to subsection 2, approve any amendment that may be proposed by the council of any municipality. R.S.O. 1950, c. 277, s. 12 (1), *amended*.

Conditions
for
Minister's
approval

(2) Before approving an amendment initiated by a council, the Minister may require that a report of the planning board be obtained in respect of the proposal and if the planning board does not concur in the proposal the Minister shall not approve the amendment unless it has been adopted by a vote of two-thirds of all the members of the council. 1951, c. 65, s. 3, *amended*.

Application
for
amendment

(3) Where any person requests the council to initiate an amendment to the official plan and the council,

- (a) refuses to propose the amendment; or

(b)

- (b) fails to propose the amendment within thirty days from the receipt of the request,

such person may request the Minister to refer the proposal to the Municipal Board.

(4) Upon receipt of the request, the Minister may require a report on the proposal from the planning board and may refer the proposal to any public authority that may be concerned therewith and he may refuse the request or refer the proposal to the Municipal Board. Reference to Municipal Board

(5) When a proposal is referred to the Municipal Board under subsection 4, the Municipal Board may reject the proposal or direct that the council cause the amendment to be made in the manner provided in the order. 1953, c. 80, s. 2, *amended*. Disposal of reference

15.—(1) Notwithstanding any other general or special Act, where an official plan is in effect, no public work shall be undertaken and, except as provided in subsections 2 and 3, no by-law shall be passed for any purpose that does not conform therewith. R.S.O. 1950, c. 277, s. 13 (1); 1953, c. 80, s. 3 (1). Public works and by-laws to conform with plan

(2) Where a council has adopted an amendment to an official plan, it may, before the Minister has approved the amendment, pass a by-law that does not conform with the official plan but will conform therewith if the amendment is approved, and such by-law shall be deemed to be valid and to have come into force on the day it was passed if the Minister approves the amendment to the official plan and if the Municipal Board subsequently approves the by-law, where such approval of the by-law is required. 1953, c. 80, s. 3 (2), *amended*. Validity of by-laws conforming to amendments to official plans

(3) The Municipal Board, upon the application of the council of a municipality for which an official plan is in effect, may by its order declare that a by-law of such municipality shall be deemed to conform with the official plan, if the Municipal Board is of opinion that the by-law conforms with the general intent and purpose of the official plan. Municipal Board may approve by-law

(4) The procedure upon an application to the Municipal Board under subsection 3 shall be the same as nearly as may be as in the case of an application to the Municipal Board under section 390 of *The Municipal Act*. R.S.O. 1950, c. 277, s. 13 (2, 3). Procedure Rev. Stat., c. 243

16. A by-law that conforms with an official plan shall be deemed to implement the official plan whether the by-law is passed before or after the official plan is approved. R.S.O. 1950, c. 277, s. 14. By-laws implementing plans

Establish-
ment of
committees
of adjust-
ment

17.—(1) Where,

- (a) a planning area consists of part or all of one municipality or of part or all of one municipality and territory without municipal organization; and
- (b) an official plan is in effect in the municipality and is implemented by one or more by-laws of the municipality,

the council of the municipality may constitute and appoint a committee of adjustment for the municipality or part, composed of such persons, not less than three, as the council deems advisable, and if the council has not constituted such a committee, the planning board of the planning area may constitute its members or not less than three of its members as a committee of adjustment for the municipality or part, to act as such until the council of the municipality constitutes such a committee. 1952, c. 75, s. 7, *part*; 1954, c. 71, s. 7 (1), *amended*.

Idem

(2) Where,

- (a) an official plan is in effect in a municipality which, or part of which, is within a joint planning area; and
- (b) the official plan is implemented by one or more by-laws of the municipality,

the council of the municipality may constitute and appoint a committee of adjustment for the municipality or part, composed of such persons, not less than three, as the council deems advisable, and if the council has not constituted such a committee, the planning board of the joint planning area may constitute its members or not less than three of its members as a committee of adjustment for the municipality or part, to act as such until the council of the municipality constitutes such a committee. 1953, c. 80, s. 4; 1954, c. 71, s. 7 (2), *amended*.

Idem

(3) Where two planning boards would have authority to constitute a committee of adjustment under subsection 1 or 2 for a municipality or part, the Minister shall determine which of them may do so. *New*.

Appoint-
ments
subject to
approval

(4) Every appointment to a committee of adjustment by the council of a municipality is subject to the approval of the Minister. 1952, c. 75, s. 7, *part*, *amended*.

Notice to
Minister

(5) Where a planning board constitutes its members or some of them as a committee of adjustment, the secretary-treasurer of the planning board shall forthwith give notice thereof to the Minister. *New*.

(6) Except where the committee of adjustment is composed of all the members of the planning board, no member of the council of the municipality and no employee of the municipality or of a local board thereof is eligible to be a member of the committee of adjustment, whether it is constituted by the planning board or the council. 1952, c. 75, s. 7, *part, amended*. ^{Disqualification}

(7) Where the committee is constituted by the planning board, the members shall remain in office during the pleasure of the planning board. ^{Term of office}

(8) Where the committee is constituted by the council, the members shall hold office for three years, provided that on the first appointment the council shall designate members who shall hold office, ^{Idem}

(a) until the 1st day of January of the year following the date of appointment;

(b) until the 1st day of January of the second year following the date of appointment; and

(c) until the 1st day of January of the third year following the date of appointment,

respectively, so that as nearly as possible one-third of the members shall retire each year. 1952, c. 75, s. 7, *part*.

(9) Where the committee is constituted by the council, the members shall hold office until their successors are appointed and approved, and are eligible for reappointment, and where a member ceases to be a member before the expiration of his term, the council, with the approval of the Minister, shall appoint another eligible person for the unexpired portion of the term. 1952, c. 75, s. 7, *part, amended*. ^{Reappointment and vacancies}

(10) A majority of the members of the committee shall constitute a quorum. ^{Quorum}

(11) The members of the committee shall elect one of themselves as chairman, and when the chairman is absent, through illness or otherwise, the committee may appoint another member to act as chairman *pro tempore*. ^{Chairman}

(12) The committee shall appoint a secretary-treasurer who may be a member of the committee, and may engage such employees and consultants as is deemed expedient, within the limits of the moneys appropriated for the purpose. ^{Employees}

Remunera-
tion

(13) The members of the committee shall be paid such compensation as the council may provide.

Filing of
documents,
etc.

(14) The secretary-treasurer shall keep on file in his office minutes and records of all applications and the decisions thereon and of all other official business of the committee, and section

Rev. Stat.,
c. 243

234 of *The Municipal Act* applies *mutatis mutandis* to such documents. 1952, c. 75, s. 7, *part*.

Rules

(15) The committee shall adopt such general rules and rules of procedure as are approved by the Minister. 1952, c. 75, s. 7, *part, amended*.

Powers of
committee,
general

18.—(1) The committee of adjustment, upon the application of the owner of any land, building or structure affected by any by-law that implements an official plan, may, notwithstanding any other Act, authorize such minor variance from the provisions of the by-law, in respect of the land, building or structure or the use thereof, as in its opinion is desirable for the appropriate development or use of the land, building or structure, provided that in the opinion of the committee the general intent and purpose of the by-law and of the official plan is maintained. 1952, c. 75, s. 7, *part*.

special

(2) In addition to its powers under subsection 1, the committee, upon any such application,

(a) where any land, building or structure, on the day the by-law was passed, was used for a purpose prohibited by the by-law and such use has continued until the date of the application to the committee, may permit,

(i) the enlargement or extension of the building or structure, provided that the land, building or structure continues to be used in the same manner and for the same purpose as it was used on the day the by-law was passed, and provided that no permission may be given to enlarge or extend the building or structure beyond the limits of the land owned and used in connection therewith on the day the by-law was passed, or

(ii) the use of such land, building or structure for a purpose which, in the opinion of the committee, is similar to the purpose for which it was used on the day the by-law was passed or is more compatible with the uses permitted by the by-law than the purpose for which it was used on the day the by-law was passed,

provided

provided that the land, building or structure continues to be used in the same manner and for the same purpose as is authorized by the decision of the committee;

- (b) where the land, building or structure adjoins any area in which the permitted uses differ from those permitted in the area in which it is situate, may permit the extension or enlargement, into the adjoining area, of the land, building or structure to such an extent as, in the opinion of the committee, is in keeping with the general intent and purpose of the by-law and of the official plan; or
- (c) where the uses of land, buildings or structures permitted in the by-law are defined in general terms, may permit the use of any land, building or structure for any purpose which, in the opinion of the committee, conforms with the uses permitted in the by-law. 1952, c. 75, s. 7, *part*; 1954, c. 71, s. 81, *amended*.

(3) The hearing on any application shall be held within ^{Time for hearing} thirty days after the application is received by the secretary-treasurer.

(4) The committee, before hearing an application, shall ^{Notice of hearing} give notice thereof in such manner and to such persons as the committee deems proper.

(5) The committee may require that a fee of not more than ^{Fees} \$25 be paid on every application.

(6) The hearing of every application shall be held in public ^{Hearing} and the committee shall hear the applicant and every other person who desires to be heard in favour of or against the application, and the committee may adjourn the hearing or reserve its decision.

(7) The chairman, or in his absence the acting chairman, ^{Oaths} may administer oaths.

(8) No decision of the committee on an application shall be ^{Decision} valid unless it is concurred in by the majority of all the members of the committee, and the decision of the committee, whether granting or refusing an application, shall be in writing and shall set out the reasons for its decision, and shall be signed by the members who concur in the decision.

(9) Any authority or permission granted by the committee ^{Conditions in decision} may be for such time and subject to such terms and conditions as the committee may deem advisable and as are set out in the decision. 1952, c. 75, s. 7, *part*.

Notice of
decision

(10) The secretary-treasurer shall send by registered mail,

- (a) two copies of the decision, certified by him, to the Minister; and
- (b) one copy of the decision, certified by him, to the applicant and to each person who appeared in person or by counsel at the hearing and filed with the secretary-treasurer a written request for notice of the decision,

together with a notice of the last day for appealing to the Municipal Board. 1954, c. 71, s. 8 (2), *part.*

Additional
material

(11) The secretary-treasurer shall also send to the Minister, when he sends the notice under subsection 10, two copies of the following documents:

- 1. The application to the committee of adjustment, certified by the secretary-treasurer.
- 2. The notice of the hearing by the committee of adjustment and a list of the persons to whom the notice was sent, both certified by the secretary-treasurer.
- 3. The minutes of the hearing by the committee of adjustment, certified by the secretary-treasurer.
- 4. List of persons to whom copies of the decision were sent under clause *b* of subsection 10, showing the date of sending, certified by the secretary-treasurer.
- 5. All other relevant documents, including any maps or sketches showing the land, building or structure concerned. *New.*

Appeal

(12) The applicant, the Minister, or any other person who has an interest in the matter may appeal to the Municipal Board against the decision of the committee by sending notice of appeal by registered mail to the secretary of the Municipal Board and, except where the appellant is the Minister, to the Minister, within fourteen days after the sending of the notice under subsection 10.

Where no
appeal

(13) If within such fourteen days no notice of appeal is given, the decision of the committee is final and binding, and the Minister shall notify the secretary-treasurer that no appeal has been taken and the secretary-treasurer shall notify the applicant and shall file a certified copy of the decision with the clerk of the municipality.

(14) On an appeal to the Municipal Board, the Municipal ^{Hearing} Board shall hold a hearing of which notice shall be given to the Minister, the applicant, the secretary-treasurer of the committee and to such other persons and in such manner as the Municipal Board may determine. 1954, c. 71, s. 8 (2), *part*.

(15) The Municipal Board may dismiss the appeal, and may ^{Powers of Municipal Board} make any decision that the committee could have made on the original application. 1954, c. 71, s. 8 (2), *part, amended*.

(16) The costs on the appeal are in the discretion of the ^{Costs} Municipal Board.

(17) When the Municipal Board makes an order on an ^{Notice of decision} appeal, the secretary of the Municipal Board shall send a copy thereof to the Minister and to the secretary-treasurer of the committee.

(18) The secretary-treasurer shall send to the applicant a ^{Idem} copy of the order of the Municipal Board on the appeal and shall file a copy of the order with the clerk of the municipality. 1954, c. 71, s. 8 (2), *part*.

19.—(1) For the purpose of developing any feature of the official plan, a municipality, with the approval of the Minister, may at any time and from time to time, ^{Acquisition of lands for official plan purposes}

(a) acquire land within the municipality;

(b) hold land heretofore or hereafter acquired within the municipality; or

• (c) sell, lease or otherwise dispose of land so acquired or held when no longer required. R.S.O. 1950, c. 277, s. 16 (1).

(2) For the purpose of developing any feature of the official ^{Powers of designated municipality} plan, the designated municipality in the case of a joint planning area, with the approval of the Minister, may exercise any of the powers mentioned in subsection 1 in respect of land within the planning area. R.S.O. 1950, c. 277, s. 16 (2), *amended*.

(3) For the purpose of developing any feature of any official ^{Powers of county} plan, a county, with the approval of the Minister, may exercise any of the powers mentioned in subsection 1 in respect of the land within the county.

(4) Any county or municipality may contribute towards ^{Contributions to cost} the cost of acquiring land under this section. R.S.O. 1950, c. 277, s. 16 (3, 4).

Interpre-
tation

20.—(1) In this section,

- (a) “redevelopment” means the planning or replanning, design or redesign, resubdivision, clearance, development, reconstruction and rehabilitation, or any of them, of a redevelopment area, and the provision of such residential, commercial, industrial, public, recreational, institutional, religious, charitable or other uses, buildings, works, improvements or facilities, or spaces therefor, as may be appropriate or necessary;
- (b) “redevelopment area” means an area within a municipality, the redevelopment of which in the opinion of the council is desirable because of age, dilapidation, over-crowding, faulty arrangement, unsuitability of buildings or for any other reason;
- (c) “redevelopment plan” means a general scheme, including supporting maps and texts, approved by the Municipal Board for the redevelopment of a redevelopment area. 1952, c. 75, s. 8, *part*; 1954, c. 71, s. 9.

Designation
of redevelop-
ment area

(2) The council of a municipality which has an official plan may, with the approval of the Minister, by by-law designate an area within the municipality as a redevelopment area and the redevelopment area shall not be altered or dissolved without the approval of the Minister. 1952, c. 75, s. 8, *part*, *amended*.

Acquisition
and
clearance
of land

(3) When a by-law has been passed and approved under subsection 2, the municipality, with the approval of the Minister, may,

- (a) acquire land within the redevelopment area;
- (b) hold land acquired before or after the passing of the by-law within the redevelopment area; and
- (c) clear, grade or otherwise prepare the land for redevelopment. 1952, c. 75, s. 8, *part*.

Withdrawal
of
Minister's
approvals

(4) If, at any time before a redevelopment plan for the redevelopment area has been approved by the Municipal Board, the Minister is not satisfied with the progress made by the municipality in acquiring land within the redevelopment area or in preparing a redevelopment plan, he may withdraw his approvals under subsections 2 and 3 and thereupon the by-law designating the redevelopment area shall cease to have effect and the redevelopment area shall cease to exist. 1953, c. 80, s. 5.

(5) When a by-law has been passed and approved under subsection 2, the council, with the approval of the Municipal Board, may by by-law adopt a redevelopment plan for the redevelopment area. ^{Adoption of re-development plan}

(6) No redevelopment plan shall be approved by the Municipal Board unless it conforms with the official plan. ^{Conformity to official plan}

(7) A redevelopment plan adopted and approved under subsection 5 may be amended by by-law with the approval of the Municipal Board. ^{Amendment}

(8) For the purpose of carrying out the redevelopment plan, the municipality, with the approval of the Minister, may, ^{Powers of council re land}

- (a) construct buildings on land acquired or held by it in the redevelopment area in conformity with the redevelopment plan, and sell, lease or otherwise dispose of any such buildings and the land appurtenant thereto;
- (b) sell, lease or otherwise dispose of any land acquired or held by it in the redevelopment area to any person or governmental authority for use in conformity with the redevelopment plan.

(9) Until a by-law or amending by-law passed under section 390 of *The Municipal Act* after the adoption of the redevelopment plan is in force in the redevelopment area, no land acquired, and no building*constructed, by the municipality in the redevelopment area shall be sold, leased or otherwise disposed of unless the person or authority to whom it is disposed of agrees with the municipality that he will keep and maintain the land and building and the use thereof in conformity with the redevelopment plan until such a by-law or amending by-law is in force; but the municipality may, with the approval of the Minister, during the period of the development of the plan, lease any land or any building or part thereof in the area for any purpose, whether or not in conformity with the redevelopment plan, for a term of not more than three years at any one time. ^{Conditions of sale, etc.}

(10) Notwithstanding subsection 2 of section 298 of *The Municipal Act*, debentures issued by the municipality for the purpose of this section may be for such term of years as the debenture by-law, with the approval of the Municipal Board, provides. 1952, c. 75, s. 8, *part*. ^{Debentures}

21. The provisions of *The Municipal Act* shall apply to the acquisition of land under this Act. R.S.O. 1950, c. 277, s. 18. ^{Rev. Stat., c. 243 to apply}

Power to
clear, grade,
etc., lands
acquired

22. When a municipality has acquired or holds lands for any purpose authorized by this Act, the municipality may clear, grade or otherwise prepare the land for the purpose for which it has been acquired or is held. R.S.O. 1950, c. 277, s. 19.

Exchange
of lands

23. When a municipality acquires land for any purpose authorized by this Act, the whole or partial consideration therefor may be land then owned by the municipality. R.S.O. 1950, c. 277, s. 20.

PART II

SUBDIVISIONS

Areas of
subdivision
control

24.—(1) The council of a municipality may by by-law designate any area within the municipality as an area of subdivision control, and thereafter no person shall convey land in the area by way of a deed or transfer on any sale, or enter into an agreement of sale and purchase of land in the area, or enter into any agreement that has the effect of granting the use of or right in land in the area directly or by entitlement to renewal for a period of twenty-one years or more, unless the land is described in accordance with and is within a registered plan of subdivision, and the council may, in the by-law, designate a registered plan of subdivision or part thereof which shall be deemed not to be a registered plan of subdivision for the purposes of this subsection. R.S.O. 1950, c. 277, s. 24 (1), *part, amended*.

Part lots

(2) The by-law may provide that where land is,

(a) within a registered plan of subdivision; or

(b) within a registered plan of subdivision, or a part thereof, designated in the by-law,

no person shall convey a part of any lot or block of the land by way of a deed or transfer on any sale, or enter into an agreement of sale and purchase of a part of any lot or block of the land, or enter into any agreement that has the effect of granting the use of or right in a part of any lot or block of the land directly or by entitlement to renewal for a period of twenty-one years or more; and when the by-law contains any such provision, no person shall contravene the provision. 1954, c. 71, s. 10 (1), *part, amended*.

Exceptions

(3) Nothing in subsection 1 or 2 prohibits any conveyance or agreement respecting land,

(a) if the land is ten acres or more in area and the remnant, if any, remaining in the grantor is also ten acres or more; or

(b)

- (b) if the land is the whole part remaining to the grantor of one parcel described in a registered conveyance to him; or
- (c) if the consent,
 - (i) of the planning board of the planning area in which the land lies, or
 - (ii) where the land lies in more than one planning area, of the planning board designated by the Minister from time to time, or
 - (iii) where there is no planning board, of the Minister,

is given to the conveyance or agreement. R.S.O. 1950, c. 277, s. 24 (1), cls. (b), (c); 1953, c. 80, s. 6; 1954, c. 71, s. 10 (1), *part, amended*.

(4) Two certified copies of the by-law shall be lodged in the office of the Minister where they shall be available for public inspection during office hours, and the by-law shall be registered in the proper registry office where it shall be made available to the public as a production. R.S.O. 1950, c. 277, s. 24 (2), *amended*. Lodging
of copies
of by-law

(5) Where a registered plan of subdivision or a part thereof is deemed under the by-law not to be a registered plan of subdivision, the clerk of the municipality shall, within ten days after the by-law is passed, send notice of the passing of the by-law by mail to the last known address of each person appearing by the last revised assessment roll to be the owner of land within the plan of subdivision or part. 1952, c. 75, s. 9, *amended*. Notice

(6) Where the by-law contains provisions authorized by subsection 2, the clerk of the municipality shall, within ten days after the by-law is passed, send notice of the passing of the by-law by mail to the last known address of each person appearing by the last revised assessment roll to be the owner of land within any registered plan of subdivision, or within any part of a registered plan of subdivision, to which such provisions apply. 1954, c. 71, s. 10 (2), *amended*. Idem

(7) When an area is designated as an area of subdivision control, it shall not be altered or dissolved without the approval of the Minister. Alteration
and dis-
solution

(8) Every person who contravenes this section is guilty of an offence and on summary conviction is liable to a penalty of not more than \$500. R.S.O. 1950, c. 277, s. 24 (3, 4). Penalty

Power of
Minister
re zoning
and sub-
division
control

Rev. Stat.,
c. 243

25.—(1) The Minister may by order,

- (a) with respect to any land in Ontario that is not within the scope of a by-law passed under section 390 of *The Municipal Act*, exercise any of the powers conferred upon councils by the said section 390 without the approval of the Municipal Board; and
- (b) with respect to any land in Ontario that is not within an area of subdivision control, exercise the powers conferred upon councils by section 24. 1951, c. 65, s. 4, *part, amended*.

Limitation
of zoning
powers

(2) Where an official plan is in effect, the Minister shall not, with respect to land covered by the official plan, make an order under clause *a* of subsection 1 that does not conform with the official plan. 1951, c. 65, s. 4, *part*.

Notice

(3) The Minister may give notice of any such order in such manner as he deems expedient. R.S.O. 1950, c. 277, s. 25 (2).

Revocation
or amend-
ment

(4) The Minister may, by order, revoke or amend any order made under subsection 1. 1952, c. 75, s. 10.

Penalty

(5) Every person who contravenes an order of the Minister made under this section is guilty of an offence and on summary conviction is liable to a penalty of not more than \$500. R.S.O. 1950, c. 277, s. 25 (3).

Application
for approval
of sub-
division
plans

26.—(1) When land is to be subdivided for the purpose of being sold, conveyed or leased in lots by reference to a registered plan of subdivision, the owner of the land or someone authorized by him in writing shall forward at least eight, or as many as may be required, copies of a draft plan thereof drawn to scale, together with an application for approval, to the Minister. R.S.O. 1950, c. 277, s. 26 (1); 1954, c. 71, s. 11.

What draft
plan to
indicate

(2) The draft plan shall show the boundaries of the land to be subdivided, certified by an Ontario land surveyor, and shall indicate,

- (a) the locations, widths and names of the proposed highways within the proposed subdivision and of existing highways on which the proposed subdivision abuts;
- (b) on a small key plan, on a scale of not less than one inch to 1,000 feet, all of the land adjacent to the proposed subdivision which is owned by the applicant or in which the applicant has an interest, and the information specified under clause *c*;

(c)

- (c) every adjoining subdivision and the relationship thereto of the lands proposed to be subdivided, and the relationship of the boundaries of the land to be subdivided to the boundaries of the township lot or other original grant of which such land forms the whole or part;
- (d) the purpose for which the lots are to be used;
- (e) the nature of the existing uses of adjoining land;
- (f) the approximate dimensions and layouts of the proposed lots;
- (g) natural and artificial features such as buildings, railways, highways, watercourses, drainage ditches, swamps and wooded areas within or adjacent to the land proposed to be subdivided, and anything within or adjacent to such land that constitutes a fire hazard to the proposed subdivision;
- (h) the availability and nature of domestic water supplies;
- (i) the nature and porosity of the soil;
- (j) such contours or elevations as may be required to determine the grade of the highways and the drainage of the land;
- (k) the municipal services available or to be available to the land proposed to be subdivided;
- (l) the nature and extent of any restrictive covenants or easements affecting the land proposed to be subdivided. R.S.O. 1950, c. 277, s. 26 (2); 1953, c. 80, s. 7; *amended*.

(3) The Minister may then confer with officials of municipalities and departments of the public service, commissions, authorities and any others who may be concerned and shall settle a draft plan that, in his opinion, will meet all requirements. R.S.O. 1950, c. 277, s. 26 (3).

(4) In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience and welfare of the future inhabitants and to the following:

- (a) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;

(b)

- (b) whether the proposed subdivision is premature or necessary in the public interest;
- (c) the suitability of the land for the purposes for which it is to be subdivided;
- (d) the number, width, location and proposed grades and elevations of highways, and the adequacy thereof, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity, and the adequacy thereof;
- (e) the dimensions and shape of the lots;
- (f) the restrictions or proposed restrictions, if any, on the land, buildings and structures proposed to be erected thereon and the restrictions, if any, on adjoining lands;
- (g) conservation of natural resources and flood control;
- (h) the adequacy of utilities and municipal services;
- (i) adequacy of school sites;
- (j) the area of land, if any, within the subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes. R.S.O. 1950, c. 277, s. 26 (4), *amended*.

Dedication
of land
for public
and highway
purposes

(5) The Minister may impose as a condition to the approval of a plan of subdivision,

- (a) that land to an amount determined by the Minister but not exceeding 5 per cent of the land included in the plan shall be conveyed to the municipality for public purposes other than highways or, if the land is not in a municipality, shall be dedicated for public purposes other than highways;
- (b) that such highways shall be dedicated as the Minister deems necessary; and
- (c) when the subdivision abuts on an existing highway, that sufficient land, other than land occupied by buildings or structures, shall be dedicated to provide for the widening of the highway to such width as the Minister deems necessary. R.S.O. 1950, c. 277, s. 26 (5); 1952, c. 75, s. 11 (1), *amended*.

(6) Where the land is in a municipality and an official plan, indicating the amount and location of the land to be ultimately provided for public purposes, is in effect in the municipality, the Minister may authorize, in lieu of the conveyance for public purposes other than highways required under subsection 5, the payment to the municipality of a sum of money not exceeding the value of 5 per cent of the land included in the subdivision. 1952, c. 75, s. 11 (2), *part, amended*. Cash payment in lieu of conveyance

(7) Land conveyed to a municipality under subsection 5 shall be held and used by the municipality for public purposes, but may be sold with the approval of the Minister. 1952, c. 75, s. 11 (2), *part*. Use and sale of land

(8) All moneys received by the municipality under subsection 6, and all moneys received on the sale of land under subsection 7, shall be paid into a special account and the moneys in such special account shall be expended only for the purchase, with the approval of the Minister, of land to be held and used by the municipality for public purposes, and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys shall be paid into such special account, and the auditor in his annual report shall report on the activities and position of the account. 1952, c. 75, s. 11 (2), *part, amended*. Special account
Rev. Stat., c. 400

(9) Upon settlement of the draft plan, the Minister may give his approval thereto, and may in his discretion withdraw his approval or change the conditions of approval at any time prior to his approval of a final plan for registration. R.S.O. 1950, c. 277, s. 26 (6), *amended*. Approval of draft plan by Minister

(10) When the draft plan is approved, the person desiring to subdivide may proceed to lay down the highways and lots upon the ground in accordance with *The Surveys Act* and *The Registry Act* or *The Surveys Act* and *The Land Titles Act*, as the case may be, and to prepare a plan accordingly certified by an Ontario land surveyor. R.S.O. 1950, c. 277, s. 26 (7). When draft plan approved
Rev. Stat., cc. 381, 336, 197

(11) Upon presentation by the person desiring to subdivide, the Minister may, if satisfied that the plan is in conformity with the approved draft plan and that the conditions of approval have been or will be fulfilled, approve the plan of subdivision and thereupon the plan of subdivision may be tendered for registration. R.S.O. 1950, c. 277, s. 26 (8), *amended*. Approval of plan by Minister

(12) When a final plan for registration is approved by the Minister under subsection 11 and is not registered within one month of the date of approval, the Minister may withdraw his approval and may require that a new application be submitted. Withdrawal of approval of plan for registration

Duplicates
to be
deposited
and sent to
Minister
Rev. Stat.,
cc. 336, 197

(13) In addition to any requirement under *The Registry Act* or *The Land Titles Act*, the person tendering the plan of subdivision for registration shall deposit with the registrar or master of titles a duplicate, or when required by the Minister two duplicates, of the plan in the form of linen tracings or transparent linen prints of a type approved by the Minister, and the registrar or master shall endorse thereon a certificate showing the number of the plan and the date when the plan was registered and shall deliver such duplicate or duplicates to the Minister.

Saving

(14) Approval of a plan of subdivision by the Minister does not operate to release any person from doing anything that he may be required to do by or under the authority of any other Act. R.S.O. 1950, c. 277, s. 26 (9-11).

Penalty
for certain
land sales

27. Every person who subdivides and offers for sale, agrees to sell or sells land by a description in accordance with an unregistered plan of subdivision is guilty of an offence and on summary conviction is liable to a penalty of not more than \$500. R.S.O. 1950, c. 277, s. 27.

PART III

GENERAL

Right to
restrain

28. In addition to any other remedy or penalty provided by law, any contravention of a by-law that implements an official plan and any contravention of section 15 may be restrained by action at the instance of the planning board of the planning area in which the contravention took place or any municipality within or partly within such planning area or any ratepayer of any such municipality, and any contravention of an order of the Minister made under section 25 may be restrained by action at the instance of the Minister or the municipality in which the contravention took place or any adjoining municipality or any ratepayer of any such municipality or adjoining municipality. R.S.O. 1950, c. 277, s. 28.

Reference
to Municipal
Board

29.—(1) When under this Act the approval or consent of the Minister is applied for, the Minister may, and upon application therefor shall, refer the matter to the Municipal Board in which case the approval or consent, as the case may be, of the Municipal Board shall have the same force and effect as if it were the approval or consent of the Minister. R.S.O. 1950, c. 277, s. 29 (1), *amended*.

Effect of
approval

(2) When under this Act the approval or consent of the Minister is given, the signature of the Minister or the seal of the Municipal Board, as the case may be, by which the

approval

approval or consent is evidenced shall be conclusive evidence that the provisions of this Act leading to such approval or consent have been complied with. R.S.O. 1950, c. 277, s. 29 (2), *amended*.

30. In the event of conflict between the provisions of this Conflict and any other general or special Act, the provisions of this Act shall prevail. R.S.O. 1950, c. 277, s. 30.

31. *The Planning Act, The Planning Amendment Act, 1951, The Planning Amendment Act, 1952, The Planning Amendment Act, 1953 and The Planning Amendment Act, 1954* Rev. Stat., c. 277; 1951, c. 65; 1952, c. 75; 1953, c. 80; 1954, c. 71, repealed are repealed.

32. This Act comes into force on the 1st day of July, 1955. Commencement

33. This Act may be cited as *The Planning Act, 1955*. Short title

CHAPTER 62

An Act to amend The Power Commission Act

Assented to March 31st, 1955
Session Prorogued March 31st, 1955

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clauses *e* and *g* of section 1 of *The Power Commission Act* are repealed and the following substituted therefor: Rev. Stat., c. 281, s. 1, cls. *e*, *g*, re-enacted

(*e*) "power" includes electrical, pneumatic, hydraulic, mechanical, atomic, steam, gas or other power and also includes energy;

.

(*g*) "works" includes all roads, plant, machinery, buildings, erections, constructions, installations, materials, devices, fittings, apparatus, appliances, equipment and other property for the development, generation, transformation, transmission, conveying, distribution, supply or use of power.

2.—(1) Subsection 1 of section 2 of *The Power Commission Act* is amended by striking out the word "three" in the second line and inserting in lieu thereof the words "not less than three and not more than six", so that the subsection shall read as follows: Rev. Stat., c. 281, s. 2, subs. 1, amended

(1) The Commission shall continue to be a body corporate, and shall consist of not less than three and not more than six persons appointed by the Lieutenant-Governor in Council, two of whom may be members, and one of whom shall be a member, of the Executive Council. Commission

(2) Subsection 2 of the said section 2 is repealed and the following substituted therefor: Rev. Stat., c. 281, s. 2, subs. 2, re-enacted

(2) Two members of the Commission, of whom one shall be the chairman or a vice-chairman, shall constitute a quorum. Quorum

Rev. Stat.,
c. 281, s. 3,
subs. 1,
amended

3.—(1) Subsection 1 of section 3 of *The Power Commission Act* is amended by striking out the words “another member of the Commission to be vice-chairman” in the third and fourth lines and inserting in lieu thereof the words “two other members of the Commission to be vice-chairmen”, so that the subsection shall read as follows:

Chairman
and vice-
chairmen

- (1) The Lieutenant-Governor in Council may appoint one of the members of the Commission to be chairman and may appoint two other members of the Commission to be vice-chairmen of the Commission.

Rev. Stat.,
c. 281, s. 3,
subs. 2,
amended

(2) Subsection 2 of the said section 3 is amended by striking out the words “the vice-chairman” in the second and third lines and inserting in lieu thereof the words “a vice-chairman”, so that the subsection shall read as follows:

Powers of
vice-
chairman

- (2) In case of the absence or illness of the chairman or of there being a vacancy in the office of chairman, a vice-chairman shall act as and have all the powers of the chairman.

Rev. Stat.,
c. 281, s. 3,
subs. 1,
re-enacted

4. Subsection 1 of section 5 of *The Power Commission Act* is repealed and the following substituted therefor:

Remunera-
tion of
Commis-
sioners

- (1) The chairman, vice-chairmen and other members of the Commission shall receive such sums annually for their services as may be determined by the Lieutenant-Governor in Council, and such sums shall be deemed to be part of the administration expenses of the Commission.

Rev. Stat.,
c. 281,
amended

5. *The Power Commission Act* is amended by adding thereto the following section:

Executive
committee

- 5a.—**(1) The chairman and two vice-chairmen shall be the chief executive officers of the Commission and shall constitute an executive committee which shall be charged with the direction and control of the business of the Commission and it may exercise all of the powers of the Commission in its name, including, but without limiting the generality of the foregoing, all of the powers of the Commission under sections 51 and 54, and may delegate such powers as it sees fit to any of the other members of the Commission.

Quorum

- (2) The powers of the executive committee may be exercised by a majority of the committee.

6.—(1) Clause *a* of subsection 1 of section 13 of *The Power Commission Act* is amended by striking out the word “renewal” in the first line and inserting in lieu thereof the word “depreciation”, so that the clause shall read as follows:

Rev. Stat.,
c. 281, s. 13,
subs. 1, cl. *a*,
amended

- (a) to provide for the depreciation, reconstruction and repair of works constructed or operated by the Commission.

(2) Clause *b* of subsection 1 of the said section 13 is repealed.

Rev. Stat.,
c. 281, s. 13,
subs. 1, cl. *b*,
repealed

(3) Subsection 3 of the said section 13 is repealed.

Rev. Stat.,
c. 281, s. 13,
subs. 3,
repealed

7. Clause *a* of subsection 1 of section 14 of *The Power Commission Act* is repealed.

Rev. Stat.,
c. 281, s. 14,
subs. 1, cl. *a*,
repealed

8.—(1) Section 15 of *The Power Commission Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 281, s. 15,
re-enacted

15.—(1) The account established and known as the stabilization fund account is continued and shall be known hereafter as the stabilization of rates and contingencies reserve account and may be maintained on the books of the Commission, and the Commission may place to the credit of that account,

Stabiliza-
tion and
contingen-
cies reserve

- (a) such amounts as the Commission may determine and collect for the purposes of this section from its customers and such other amounts as may in its opinion be sufficient for the purposes of this section;

- (b) interest at such rates as the Commission deems equitable and just upon balances remaining from time to time to the credit of the account.

(2) Any or all of the moneys in the stabilization of rates and contingencies reserve account may be used in the discretion of the Commission for determining, and for adjusting and apportioning, including making equitable and stabilizing, the amounts payable to the Commission by persons or municipal corporations; and to meet any expenditures or costs caused by or arising from injury to, or destruction, obsolescence or loss of use of any works or other property of the Commission; and to meet other contingencies arising in the operations of the Commission; and to provide for such part of the cost of properties to be acquired or which have been acquired as is not

Idem

allocated

allocated to specific works; and to meet the costs and expenses incurred by the Commission which, in the opinion of the Commission, are for the protection or advancement of the interests in the undertakings under its supervision or control and which are not properly chargeable to any person or specific municipal corporation to which the Commission supplies power.

Transfer of
certain
moneys

(2) The Commission shall transfer to the credit of the stabilization of rates and contingencies reserve account all moneys at the credit of the reserve account discontinued by the repeal of clause *b* of subsection 1 of section 13 of *The Power Commission Act*.

Rev. Stat.,
c. 281, s. 59,
subs. 2,
amended

9. Subsection 2 of section 59 of *The Power Commission Act* is amended by striking out the word "His" in the first and thirteenth lines respectively and inserting in lieu thereof the word "Her" and by striking out the word and figures "section 13" in the eleventh line and inserting in lieu thereof the words and figures "sections 13 and 15", so that the subsection shall read as follows:

Agreements
between the
Crown and
the Com-
mission as
to under-
takings in
territorial
districts

(2) Her Majesty may enter into an agreement or agreements with the Commission, relating to any or all of the works mentioned in subsection 1, providing for payment to the Commission out of the Consolidated Revenue Fund the amounts from time to time by which the revenues that have been or may hereafter be derived from such works are or may be insufficient to meet in full the annual costs and charges in connection therewith as determined by the Commission, including the items set forth in clauses *a*, *b* and *c* of section 74 and an amount to be determined by the Commission to be provided for the purposes of sections 13 and 15, and such agreement or agreements when executed by the President of the Executive Council representing Her Majesty and the Commission shall be valid and binding on the Province and the Commission respectively.

Rev. Stat.,
c. 281, s. 68,
subs. 4,
amended

10. Subsection 4 of section 68 of *The Power Commission Act* is amended by striking out the words "clauses *a*, *b* and *c* of section 74 and for the purposes of section 13 and clause *d* of subsection 1 of section 14" in the sixth, seventh and eighth lines and inserting in lieu thereof the words "clauses *a*, *b*, *c* and *d* of section 74", so that the subsection shall read as follows:

Deter-
mination
of net
profit

(4) Net profit referred to in subsection 3 shall be determined by deducting from the revenue received from supplying power or energy under subsection 1 all

moneys

moneys placed to the credit of the frequency standardization reserve account pursuant to subsection 2 and an amount determined by the Commission for costs and charges as enumerated in clauses *a*, *b*, *c* and *d* of section 74.

11. Clause *a* of section 74 of *The Power Commission Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 281, s. 74,
cl. *a*,
re-enacted

- (a) the cost of operation, maintenance, depreciation and insurance of the works and the cost of administration of the Commission.

12. Subsection 14 of section 102 of *The Power Commission Act* is repealed. Rev. Stat.,
c. 281, s. 102,
subs. 14,
repealed

13. Section 103 of *The Power Commission Act* is amended by adding thereto the following subsection: Rev. Stat.,
c. 281, s. 103,
amended

- (7) For the purposes of this section, The Municipality of Metropolitan Toronto shall be deemed to be a municipal corporation that has entered into a contract with the Commission for the supply of electrical power and energy. Metropolitan
Toronto

14.—(1) This Act, except subsections 2 and 3 of section 6 and sections 7, 8, 9 and 10, comes into force on the day it receives Royal Assent. Commence-
ment

(2) Subsections 2 and 3 of section 6 and sections 7, 8, 9 and 10 shall be deemed to have come into force on the 1st day of January, 1954. Idem

15. This Act may be cited as *The Power Commission Amendment Act, 1955*. Short title

CHAPTER 63

An Act to amend The Probation Act

Assented to March 31st, 1955
Session Prorogued March 31st, 1955

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 4 of *The Probation Act* Rev. Stat., c. 291, s. 4, subs. 1, amended is amended by adding at the end thereof the words “and every city and separated town shall, as part of the county for judicial purposes, bear and pay their just share or proportion of the cost of providing such accommodation”, so that the subsection shall read as follows:

(1) It shall be the duty of the council of any county for which a probation officer is appointed, to provide Office accommodation such office accommodation for the probation officer and his assistants as the regulations may require and every city and separated town shall, as part of the county for judicial purposes, bear and pay their just share or proportion of the cost of providing such accommodation.

(2) The said section 4 is amended by adding thereto the following subsection: Rev. Stat., c. 291, s. 4, amended

(1a) If the council of a county and the council of a city Arbitration in case of disagreement or separated town are unable to agree as to the amount to be paid by the city or separated town under subsection 1, the amount shall be determined by arbitration under Part XVI of *The Municipal Act*. Rev. Stat., c. 243

2. This Act shall be deemed to have come into force on Commencement the 1st day of January, 1955.

3. This Act may be cited as *The Probation Amendment Act, 1955*. Short title

CHAPTER 64

An Act to amend The Provincial Land Tax Act

*Assented to March 31st, 1955
Session Prorogued March 31st, 1955*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Provincial Land Tax Act* is amended by adding thereto the following section: Rev. Stat.,
c. 298,
amended

3a. The Lieutenant-Governor in Council may cancel, Refunds,
etc. reduce or refund any part of the annual tax in respect of any part of a year in which taxes are not payable under section 2.

2. Subsection 1 of section 17 of *The Provincial Land Tax Act* is amended by striking out the words "on or before the 1st day of December in the year preceding that for which the tax is payable" in the fourth and fifth lines and inserting in lieu thereof the words "on or before the 15th day of January in the year for which the tax is payable", so that the subsection shall read as follows: Rev. Stat.,
c. 298, s. 17,
subs. 1,
amended

(1) The annual tax imposed by this Act shall be for the Tax bills calendar year and a tax bill shall be mailed by the Collector post paid to every owner of land subject to taxation at his last known address on or before the 15th day of January in the year for which the tax is payable, and such tax bill shall show the assessed value of the land, the rate of taxation, the amount of the tax payable and such other information as may be prescribed.

3. Subsection 2 of section 21 of *The Provincial Land Tax Act*, as re-enacted by section 2 of *The Provincial Land Tax Amendment Act, 1952*, is amended by striking out the word "October" in the fifth line and inserting in lieu thereof the word "December", so that the subsection shall read as follows: Rev. Stat.,
c. 298, s. 21
(1952, c. 80,
s. 2), subs. 2,
amended

(2) The Collector shall cause to be prepared a list of the Publication
of notice lands in respect of which notices under subsection 1

have

have been mailed and shall cause the list to be published in one issue of *The Ontario Gazette* not later than the 31st day of December next following the mailing of the notices and giving notice that unless the total amount of tax, penalties, interest and costs shown therein are paid on or before the 31st day of August in the year next following the land and every interest therein will be liable to be forfeited to and to be vested in the Crown on the 1st day of September in the last-mentioned year by a certificate of the Deputy Minister under his hand and seal of office.

Short title

4. This Act may be cited as *The Provincial Land Tax Amendment Act, 1955*.

CHAPTER 65

An Act to amend The Public Health Act

Assented to March 31st, 1955
Session Prorogued March 31st, 1955

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause 20 of section 5 of *The Public Health Act* is repealed and the following substituted therefor: Rev. Stat., c. 306, s. 5, cl. 20, re-enacted

(20) prescribing the manner, method, times and conditions for the establishing and supplying of facilities and services mentioned in clauses *a* and *b* of subsection 4 of section 76, and for the payment of or making contributions toward the cost thereof; Maternal and child health

(200) prescribing the manner, method, times and conditions of payment of the grants to hospitals approved under *The Public Hospitals Act* for the establishment and operation of accommodation and facilities for the care and treatment of expectant mothers and infants. Expectant mothers and infants Rev. Stat., c. 307

2. Section 76 of *The Public Health Act* is repealed and the following substituted therefor: Rev. Stat., c. 306, s. 76, re-enacted

76.—(1) In this section, Interpretation

(a) "infant" means a child under the age of twelve months;

(b) "maternal and child health" means the care and treatment of expectant mothers, infants and children.

(2) The Minister may, in accordance with the regulations in that behalf, establish a programme of maternal and child health. Maternal and child health programme

(3) The maternal and child health programme may include the provision of the facilities and services mentioned in subsection 4 and the co-ordination of

existing

existing facilities and the dissemination of information respecting maternal and child health and such other matters as may be deemed necessary to conduct the programme.

Idem

- (4) For the purpose of carrying out the programme of maternal and child health, the Minister may, out of such moneys as are appropriated by the Legislature for the purpose,

(a) provide,

(i) diagnostic, technical and other facilities and services, and

(ii) medical and other services and substances, articles, accommodations and other facilities,

for the prevention and mitigation of disease or disorders among expectant mothers and children;

(b) provide for the examination of expectant mothers by medical practitioners; and

Rev. Stat.,
c. 307

(c) pay grants to hospitals approved under *The Public Hospitals Act* for the establishment and operation of accommodation and facilities for the care and treatment of expectant mothers and infants,

in such manner and at such times and upon such conditions and,

(d) in respect of clauses *a* and *b*, pay for or contribute toward the cost of providing the facilities and services; and

(e) in respect of clause *c*, pay the grants in such amounts,

as may be prescribed by the regulations.

Commence-
ment

3. This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title

4. This Act may be cited as *The Public Health Amendment Act, 1955*.

CHAPTER 66

An Act to amend The Public Lands Act

Assented to March 31st, 1955
Session Prorogued March 31st, 1955

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Public Lands Act* is amended by adding thereto the following section: Rev. Stat.,
c. 309,
amended

21a. A grant or letters patent issued to or in the name of a person who is dead is not or are not therefore void, but the title to the land thereby granted or intended to be granted vests in the heirs, assigns, devisees or other legal representatives of the deceased person according to the laws in force in Ontario as if the grant or letters patent had issued to or in the name of the deceased person during his lifetime. Grants or
letters
patent
issued after
death of
grantee or
patentee

2. Subsection 2 of section 61 of *The Public Lands Act* is amended by striking out the words "five per cent" where they occur in the fourth and fifth lines and in the twelfth line respectively and inserting in lieu thereof the word "any", so that the subsection shall read as follows: Rev. Stat.,
c. 309, s. 61,
subs. 2,
amended

- (2) In all sales, free grant locations, leases, licences of occupation, mining claims and other dispositions of public lands or mining lands or mining rights, where the letters patent have been issued containing a reservation of any of the area for roads, wood, gravel and other materials required for the construction or improvement of any colonization or other road or of any road in lieu of or partly deviating from an allowance for road, may be taken from the land without making compensation therefor or for the injury thereby done to the land from which they are taken, and where the letters patent have been issued without a reservation being made of any of the area for roads, wood, gravel and other materials required Right to
take wood,
gravel and
other
materials
for roads

for

for the purposes hereinbefore mentioned may be taken from the land, but compensation shall be paid as provided by *The Public Works Act*.

Rev. Stat.,
c. 323

Short title

3. This Act may be cited as *The Public Lands Amendment Act, 1955*.

CHAPTER 67

An Act to amend The Public Libraries Act

Assented to March 31st, 1955
Session Prorogued March 31st, 1955

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Sections 35a and 35b of *The Public Libraries Act*, as enacted by subsection 1 of section 3 of *The Public Libraries Amendment Act, 1952*, are repealed and the following substituted therefor: Rev. Stat.,
c. 310,
ss. 35a, 35b
(1952, c. 87,
s. 3, subs. 1),
re-enacted

35a. A public library board, by resolution, may provide pensions for employees or any class thereof in accordance with section 34 of *The Schools Administration Act, 1954*, and the provisions thereof shall apply *mutatis mutandis*. Pensions
1954, c. 86

35b. A public library board, by resolution, may establish a system of sick leave credit gratuities for employees or any class thereof in accordance with section 35 of *The Schools Administration Act, 1954*, and the provisions thereof shall apply *mutatis mutandis*. Sick leave
credits

2. Section 42 of *The Public Libraries Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 310, s. 42,
re-enacted

42.—(1) Subject to the approval of the Ontario Municipal Board, the sums required by a board for the purpose of acquiring a site, purchasing, erecting, or remodeling a building or buildings and, in the first instance, for obtaining books and other things required for the library, on the application of the board may be raised, Issue of
debentures
for public
library
purposes

(a) where the board is established in a municipality, by the issue of municipal debentures; and

(b) where the board is established in a school section or union school section in territory without municipal organization, by the issue of debentures by the board of the section or union section,

and

and all sums required to pay off the debentures issued under clause *a* and to pay interest thereon and the expenses connected therewith shall be raised by assessment on the ratepayers of the municipality, and all sums required to pay off the debentures issued under clause *b* and to pay interest thereon and the expenses connected therewith shall be raised by assessment on the public and separate school supporters in the section or union school section.

Refusal of
council or
board to
issue
debentures

- (2) If the council, or the board of the section or union school section, refuses to issue the debentures, at the request of the public library board, the question shall be submitted to a vote of the electors of the municipality or school section, as the case may be, in the manner provided by *The Municipal Act* in the case of a money by-law, and, if the assent of the electors is obtained, the council or the board of school trustees, as the case may be, shall raise the required sums by the issue of debentures as aforesaid but without submitting the by-law to the electors.

Rev. Stat.,
c. 243

Commence-
ment

- 3.** This Act comes into force on the day it receives Royal Assent.

Short title

- 4.** This Act may be cited as *The Public Libraries Amendment Act, 1955*.

CHAPTER 68

An Act to amend The Public Service Act

Assented to March 31st, 1955
Session Prorogued March 31st, 1955

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 21 of *The Public Service Act*, as re-enacted by section 1 of *The Public Service Amendment Act, 1953*, is amended by striking out the word "sixty" in the first line and inserting in lieu thereof the word "sixty-five", so that the section shall read as follows:

Rev. Stat.,
c. 317, s. 21
(1953,
c. 91, s. 1),
amended

21. An employee who has not attained the age of sixty-five years and who is retired by the Lieutenant-Governor in Council may be granted a compensation allowance by the Lieutenant-Governor in Council.

Compensa-
tion allow-
ances

2. Section 22 of *The Public Service Act*, as re-enacted by section 1 of *The Public Service Amendment Act, 1953*, is amended by striking out the figures "83" in the divisor column and inserting in lieu thereof the figures "88".

Rev. Stat.,
c. 317, s. 22
(1953,
c. 91, s. 1),
amended

3. Section 24 of *The Public Service Act* is amended by adding thereto the following subsection:

Rev. Stat.,
c. 317, s. 24,
amended

(3) Where an employee has died and has no personal representative, moneys refunded under this section may be paid to such person as the Board determines.

Where no
personal
representa-
tive

4. Section 26 of *The Public Service Act* is amended by adding thereto the following subsection:

Rev. Stat.,
c. 317, s. 26,
amended

(2) Where there is no personal representative, moneys refunded under this section may be paid to such person as the Board determines.

Where no
personal
representa-
tive

5. Section 27 of *The Public Service Act* is amended by adding thereto the following subsection:

Rev. Stat.,
c. 317, s. 27,
amended

Where no
personal
representa-
tive

(2a) Where there is no personal representative, moneys refunded under subsection 2 may be paid to such person as the Board determines.

Rev. Stat.,
c. 317, s. 47
(1952,
c. 88, s. 3),
amended

6. Section 47 of *The Public Service Act*, as enacted by section 3 of *The Public Service Amendment Act, 1952*, is amended by adding thereto the following subsection:

Where no
personal
representa-
tive

(2a) Where a civil servant has died and has no personal representative, moneys refunded under this section may be paid to such person as the Civil Service Commission determines.

Short title

7. This Act may be cited as *The Public Service Amendment Act, 1955*.

CHAPTER 69

**An Act to amend
The Real Estate and Business Brokers Act**

*Assented to March 31st, 1955
Session Prorogued March 31st, 1955*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 14 of *The Real Estate and Business Brokers Act* is amended by striking out the words "and salesman shall apply for renewal of registration" in the third and fourth lines and inserting in lieu thereof the words "shall apply for renewal of his own registration and the registration of his currently registered salesmen", so that the section shall read as follows:

Rev. Stat.,
c. 332, s. 14,
amended

14. Every registration and renewal of registration shall lapse on the 31st day of March in each year and every registered broker shall apply for renewal of his own registration and the registration of his currently registered salesmen on or before the 21st day of March giving full particulars of any change in the facts set forth in the latest application form on record and enclosing the prescribed fee as upon a first application.

Termination
and renewal
of registra-
tion

2. This Act may be cited as *The Real Estate and Business Brokers Amendment Act, 1955*.

Short title

CHAPTER 70

An Act to amend The Registry Act

Assented to March 31st, 1955
Session Prorogued March 31st, 1955

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 11 of section 21 of *The Registry Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 336, s. 21,
subs. 11,
re-enacted

(11) Where the Inspector finds it advisable for the proper despatch of business, he may by order in writing permit more than one registry book for a municipality to be in use at the same time or the entries from more than one municipality to be made in one registry book. Efficient
use of
books

2.—(1) Subsection 2 of section 52a of *The Registry Act*, as enacted by section 8 of *The Registry Amendment Act, 1954*, is amended by inserting after the word "corporation" in the fifth line the words "or by the solicitor for the corporation", so that the subsection shall read as follows: Rev. Stat.,
c. 336, s. 52a
(1954, c. 83,
s. 8), subs. 2,
amended

(2) Where an assurance of land is made to or for the benefit of a corporation, the assurance shall not be registered unless there is made on or securely attached to it an affidavit or statutory declaration by an officer of the corporation or by the solicitor for the corporation or by the attorney appointed for the purpose of executing such assurance on behalf of the corporation under a power of attorney registered in accordance with the provisions of this Act that such assurance is not made contrary to section 2 of *The Mortmain and Charitable Uses Act*. Affidavit or
declaration
as to cor-
poration's
authority
to acquire
land

Rev. Stat.,
c. 241

(2) Subsection 4 of the said section 52a is amended by adding thereto the following clauses: Rev. Stat.,
c. 336, s. 52a
(1954, c. 83,
s. 8), subs. 4,
amended

(d) a corporation all the shares of which are held by or in trust for the Crown in right of Canada or any province of Canada; or

(e)

(e) a board, commission or other body all the members of which are appointed by the Governor-General in Council or by the Lieutenant-Governor in Council; or

Rev. Stat.,
c. 336, s. 84,
amended

(f) a municipality within the meaning of *The Department of Municipal Affairs Act*.

Rev. Stat.,
c. 336, s. 84,
amended

3. Section 84 of *The Registry Act*, as amended by section 12 of *The Registry Amendment Act, 1954*, is further amended by adding thereto the following subsection:

Where land
is Crown
land

(7a) Where the plan is a plan of Crown land, the original plan shall remain in the custody of the Crown and upon registration of such plan there shall be tendered to the registrar two duplicate originals and a true copy made by photographic film or blue print process approved by the Inspector and mounted on stiff pasteboard of good quality.

Rev. Stat.,
c. 336, s. 97,
cl. f,
amended

4.—(1) Clause *f* of section 97 of *The Registry Act* is amended by striking out the first sixteen lines and inserting in lieu thereof the following:

Abstracts
of title

(f) For an abstract of title to any specific parcel of land containing such particulars as to any number of registered instruments affecting the parcel as the applicant may require, a minimum fee of \$3 including the fee for search and certificate, and in addition, for each instrument that requires inspection, 10 cents.

Rev. Stat.,
c. 336, s. 97,
cl. h, re-
enacted

(2) Clause *h* of the said section 97 is repealed and the following substituted therefor:

Register-
ing plan

(h) For registration of a plan of subdivision, including all necessary entries connected therewith, \$8, but if the plan embraces more than twenty lots, the registrar shall be allowed a fee of 10 cents for each lot in excess of twenty lots.

Rev. Stat.,
c. 336, s. 97,
cl. s,
amended

(3) Clause *s* of the said section 97 is amended by striking out the symbol and figures "\$1.50" and inserting in lieu thereof the symbol and figure "\$2", so that the clause shall read as follows:

Administra-
tion

(s) For registering letters of administration, \$2.

Rev. Stat.,
c. 336, s. 97,
amended

(4) The said section 97 is amended by adding thereto the following clause:

(v)

- (v) For entering notice of liability to taxation and forfeiture under *The Mining Tax Act*, 50 cents a lot. Notice of liability under Rev. Stat., c. 237

5.—(1) Subsection 1 of section 107 of *The Registry Act* is amended by striking out the symbol and figures “\$4,000” in the second line and inserting in lieu thereof the symbol and figures “\$4,500”, so that the subsection shall read as follows: Rev. Stat., c. 336, s. 107, subs. 1, amended

- (1) Every registrar shall be entitled to retain to his own use in each year his net income up to \$4,500. Registrar's emoluments

(2) Subsection 2 of the said section 107 is amended by striking out the symbol and figures “\$4,000” where they occur in the third line and in clause *a* respectively and inserting in lieu thereof the symbol and figures “\$4,500”, so that the subsection shall read as follows: Rev. Stat., c. 336, s. 107, subs. 2, amended

- (2) Subject to section 111 of this Act and to section 152 of *The Land Titles Act*, every registrar shall, of the net income of each year over \$4,500, pay to the treasurer of the county or city for which or for part of which he is registrar, the following percentages: Where net income exceeds \$4,500 Rev. Stat., c. 197

(a) On the excess over \$4,500 up to \$6,000, 50 per cent.

(b) On the excess over \$6,000, 90 per cent.

6. Form 8 of *The Registry Act* is amended by adding thereto the following alternative paragraph: Rev. Stat., c. 336, Form 8, amended

or where the instrument is microfilmed

I certify that the within.....
instrument is duly entered and registered in the Registry Office
for the Registry Division of.....at.....o'clock
of the.....day of....., 19...
Number.....for the.....
of.....

7. Section 4 comes into force on the 1st day of July, 1955. Commencement

8. This Act may be cited as *The Registry Amendment Act*, 1955. Short title

CHAPTER 71

**An Act to provide Rehabilitation Services
for Handicapped Persons**

Assented to March 31st, 1955
Session Prorogued March 31st, 1955

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,Interpreta-
tion

- (a) "approved organization" means any organization designated as such by the Lieutenant-Governor in Council under this Act;
- (b) "Director" means Director of the Disabled Persons' Allowances Branch and Rehabilitation Services of the Department of Public Welfare;
- (c) "field worker" means a person employed as such by the Department of Public Welfare;
- (d) "handicapped person" means a person with a physical or mental impairment that substantially prevents him from engaging in remunerative employment;
- (e) "local authority" means the public welfare administrator or public welfare commissioner or such other person or persons as the public welfare administrator or public welfare commissioner designates under this Act with the approval of the Minister, or if there is no public welfare administrator and no public welfare commissioner, means the clerk of the municipality or such other person as the council appoints under this Act with the approval of the Minister, and includes a field worker of the Department of Public Welfare;
- (f) "Minister" means Minister of Public Welfare;
- (g) "rehabilitation services" means any measures that may enable a handicapped person to engage in remunerative employment;

(h)

(h) "regulations" means regulations made under this Act.

Designation
of approved
organiza-
tions

2. The Lieutenant-Governor in Council may designate any organization as an approved organization to provide rehabilitation services to handicapped persons under this Act.

Implement-
ing agree-
ments
authorized

3. The Minister, with the approval of the Lieutenant-Governor in Council, may make agreements with the Crown in right of Canada or with any approved organization for the purpose of providing rehabilitation services to handicapped persons.

Application
for rehabili-
tation
services

4.—(1) Any handicapped person,

(a) who has resided in Ontario for one year immediately preceding the date of the application;

(b) who is not in receipt of a pension, allowance, or other benefit from the Government of Canada in respect of war services, other than a dependant who is receiving, or is included in, a pension, allowance or other benefit under the *Pension Act* (Canada); and

R.S.C. 1952,
c. 207

(c) who is not in receipt of compensation under *The Workmen's Compensation Act*, other than a person who,

Rev. Stat.,
c. 430

(i) is a handicapped person for reasons not attributable to, or incurred as a result of, the accident or industrial disease for which he is receiving compensation, or

(ii) is a dependant of the person receiving compensation,

may apply for rehabilitation services to a local authority or to a representative of an approved organization.

Interpre-
tation

(2) In clause *b* of subsection 1, "dependant" means,

(a) child; or

(b) parent, or person in place of a parent, or brother or sister, who is in a dependent condition,

within the meaning of the *Pension Act* (Canada).

Idem

(3) In clause *c* of subsection 1, "accident", "dependant" and "industrial disease" have the same meaning as in *The Workmen's Compensation Act*.

5. It is the duty of the Director,Duties of
Director

- (a) to receive applications for rehabilitation services;
- (b) to determine the eligibility of each applicant for rehabilitation services,

and where the applicant is eligible,

- (c) to review the recommendations of the local authority or the representative of the approved organization with respect to the provision of rehabilitation services;
- (d) to take such measures as may be necessary to ensure that the rehabilitation services recommended are provided in accordance with this Act or any agreement made under this Act, if in his opinion the applicant may benefit from such services;
- (e) to authorize the provision of the rehabilitation services; and
- (f) to determine the amounts to be paid to the applicant or on his behalf and to direct payment accordingly.

6. Where the Director is absent or there is a vacancy in the office, his powers and duties shall be exercised and performed by such civil servant as the Minister designates.

Acting
Director

7.—(1) Where rehabilitation services are authorized, there may be paid to the handicapped person, or on his behalf, such amounts in such manner and at such times as are prescribed by the regulations.

Payments

(2) The amounts to be paid to or on behalf of handicapped persons and the expenses of the administration of this Act and the regulations are, until the 31st day of March, 1956, payable out of the Consolidated Revenue Fund and thereafter are payable out of the moneys appropriated therefor by the Legislature.

Expenses
of Act

8. The Lieutenant-Governor in Council may make regulations,

Regula-
tions

- (a) governing the manner of making application for rehabilitation services;
- (b) adding further qualifications to those specified in this Act for applicants for rehabilitation services;
- (c) establishing an advisory committee of three or more persons to advise the Minister respecting the development and provision of rehabilitation services;

(d)

- (d) establishing an advisory board of one or more persons to assist the Director;
- (e) prescribing the material or proof of any fact, including evidence under oath, that is to be furnished before rehabilitation services are authorized;
- (f) prescribing the kinds of rehabilitation services that may be authorized;
- (g) prescribing the powers and duties of local authorities, field workers and representatives of approved organizations;
- (h) providing for the suspension and cancellation of rehabilitation services;
- (i) providing for the making of investigations respecting handicapped persons who have been recommended for rehabilitation services or for whom rehabilitation services have been authorized;
- (j) prescribing the amounts to be paid to or on behalf of handicapped persons for whom rehabilitation services are authorized and the manner and times of payment;
- (k) prescribing additional duties of the Director;
- (l) prescribing the records that shall be kept under this Act;
- (m) prescribing forms for use under this Act;
- (n) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Commence-
ment

9. This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title

10. This Act may be cited as *The Rehabilitation Services Act, 1955*.

CHAPTER 72

**An Act to repeal
The Research Council Act, 1948**

*Assented to March 31st, 1955
Session Prorogued March 31st, 1955*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Research Council Act, 1948*, section 20 of *The Statute Law Amendment Act, 1950* and *The Research Council Amendment Act, 1953* are repealed. 1948, c. 79;
1950,
c. 79, s. 20;
1953, c. 94,
repealed

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Research Council Repeal Act, 1955*. Short title

CHAPTER 73

**An Act to amend
The Research Foundation Act, 1944**

Assented to March 31st, 1955
Session Prorogued March 31st, 1955

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Research Foundation Act, 1944* is amended by adding ^{1944, c. 53, amended} thereto the following section:

13a. The Foundation may establish and administer ^{Scholarships} scholarships to assist in the training of research and scientific workers.

2. Section 20 of *The Research Foundation Act, 1944* is ^{1944, c. 53, s. 20, re-enacted} repealed and the following substituted therefor:

20.—(1) The Foundation shall, after the close of each ^{Annual report} fiscal year, file with the Provincial Secretary an annual report which shall include a financial statement, a description of the work of the Foundation during the previous year and such other information as the Lieutenant-Governor in Council may require.

(2) The Provincial Secretary shall submit the report to ^{Idem} the Lieutenant-Governor in Council and shall then lay the report before the Assembly, if it is in session, or if not, at the next ensuing session.

3. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

4. This Act may be cited as *The Research Foundation* ^{Short title} *Amendment Act, 1955.*

CHAPTER 74

**An Act to amend
The Royal Ontario Museum Act, 1947**

*Assented to March 31st, 1955
Session Prorogued March 31st, 1955*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Royal Ontario Museum Act, 1947* is repealed and the following substituted therefor: is 1947,
c. 96, s. 3,
re-enacted

- 3.—(1) There shall be a board of directors of The Museum
Board
Royal Ontario Museum to be known as the Museum Board which shall be composed of nineteen members.
- (2) The Chancellor of the University of Toronto, the President of the University of Toronto and the Chairman of the Board of Governors shall be *ex officio* members
members of the Museum Board.
- (3) Seven members of the Museum Board shall be appointed by the Board of Governors and shall be *Appointed*
members members of the Board of Governors.
- (4) Nine members of the Museum Board shall be appointed by the Board of Governors but shall not be *Idem*
members of the Board of Governors, and
 - (a) one of such nine members shall be appointed on the nomination of the Principal of Queen's University; and
 - (b) one of such nine members shall be appointed on the nomination of the President of the University of Western Ontario.
- (5) The members of the Museum Board, other than the *ex officio* members, shall hold office during the pleasure of the Board of Governors. Tenure of
office
- (6) Notwithstanding any vacancy in the Museum Board, as long as there are at least eleven members, it shall be competent for the Museum Board to exercise its powers. Minimum
membership

Quorum

- (7) Seven members of the Museum Board shall constitute a quorum.

1947, c. 96,
ss. 5, 6,
re-enacted

- 2.** Sections 5 and 6 of *The Royal Ontario Museum Act, 1947* are repealed and the following substituted therefor:

Management
of Museum

5. The Royal Ontario Museum shall be carried on and managed by the Museum Board in accordance with this Act and any by-laws that may be enacted from time to time by the Board of Governors relating to the carrying on and management of The Royal Ontario Museum.

Rules and
regulations

6. The Museum Board may make such rules and regulations as it may deem necessary that are not inconsistent with any by-law made under section 5.

Commence-
ment

- 3.** This Act comes into force on the day it receives Royal Assent.

Short title

- 4.** This Act may be cited as *The Royal Ontario Museum Amendment Act, 1955*.

CHAPTER 75

**An Act to amend
The Schools Administration Act, 1954**

*Assented to March 31st, 1955
Session Prorogued March 31st, 1955*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 33 of *The Schools Administration Act, 1954* is ^{1954,} amended by adding thereto the following clause: ^{c. 86, s. 33, amended}

- (x) authorize and exercise jurisdiction over such other school activities as pertain to the welfare of the pupils.

2. Subsection 2 of section 34 of *The Schools Administration Act, 1954* is amended by adding at the end thereof the words ^{1954,} "or an administrative officer who holds a certificate of quali- ^{c. 86, s. 34,} ^{subs. 2,} ^{amended} fication as a teacher and who is eligible to contribute to the Teachers' Superannuation Fund", so that the subsection shall read as follows:

- (2) In this section, "employee" does not include a teacher or inspector or an administrative officer who holds a certificate of qualification as a teacher and who is eligible to contribute to the Teachers' Superannuation Fund. <sup>Interpreta-
tion</sup>

3. Subsection 1 of section 49 of *The Schools Administration Act, 1954* is amended by striking out the words "approved by the Inspector of Auxiliary Classes" in the third line, so that the subsection shall read as follows: ^{1954,} ^{c. 86, s. 49,} ^{subs. 1,} ^{amended}

- (1) Subject to the regulations, pupils may be admitted to auxiliary classes upon the report and recommendation of a board consisting of, <sup>Admission
only on
recommen-
dation</sup>
- (a) the principal of the school;
- (b) a legally qualified psychiatrist or other legally qualified medical practitioner appointed by the school board; and
- (c) the school inspector.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Schools Administration Amendment Act, 1955*.

CHAPTER 76

An Act to amend The Secondary Schools and Boards of Education Act, 1954

Assented to March 31st, 1955
Session Prorogued March 31st, 1955

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *e* of subsection 1 of section 1 of *The Secondary Schools and Boards of Education Act, 1954* is repealed and the following substituted therefor: 1954, c. 87, s. 1, subs. 1, cl. *e*, re-enacted

- (*e*) “equalized assessment” means the total assessment of real property and business assessment of a municipality as equalized by the county council under *The Assessment Act*. Rev. Stat., c. 24

2. Section 13 of *The Secondary Schools and Boards of Education Act, 1954* is amended by adding thereto the following subsection: 1954, c. 87, s. 13, amended

- (2*a*) Notwithstanding subsection 2, the council of a town in a territorial district in which town a high school district has been established, and the council of an adjoining municipality which has a population of 2,000 or more in which a high school district has not been established, shall, upon the request of the council of either the town or the municipality, pass by-laws providing that the adjoining municipality shall be added to the high school district of the town which it adjoins. High school district of town and adjoining municipality

3. Subsection 5 of section 33 of *The Secondary Schools and Boards of Education Act, 1954* is amended by inserting after the figure “3” in the third line the words “and may issue its own debentures therefor”, so that the subsection shall read as follows: 1954, c. 87, s. 33, subs. 5, amended

- (5) Any municipality may offer to assume and may assume a greater proportion than its proportion under subsection 1, 2 or 3 and may issue its own debentures therefor, and in that case the proportion Assumption of larger proportion

of the balance to be paid by each of the other municipalities shall be such as may be agreed upon and if the councils of the other municipalities fail to agree upon the proportion within thirty days of the making of the offer, the proportion of the balance to be paid by each of the other municipalities shall be determined in accordance with subsection 1, 2 or 3, as the case may be.

Commence-
ment

4.—(1) This Act, except section 1, comes into force on the day it receives Royal Assent.

Idem

(2) Section 1 shall be deemed to have come into force on the 1st day of January, 1955.

Short title

5. This Act may be cited as *The Secondary Schools and Boards of Education Amendment Act, 1955*.

CHAPTER 77

**An Act to amend
The Security Transfer Tax Act**

*Assented to March 31st, 1955
Session Prorogued March 31st, 1955*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of subsection 1 of section 5 of *The Security Transfer Tax Act*, as re-enacted by section 1 of *The Security Transfer Tax Amendment Act, 1954*, is amended by adding at the end thereof the words "or any municipality or school board in Ontario", so that the clause shall read as follows:

- (a) the sale, transfer or assignment of any bond, debenture or share of a debenture stock issued by or guaranteed as to principal and interest by Canada or any province of Canada or any municipality or school board in Ontario.

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Security Transfer Tax Amendment Act, 1955*. Short title

CHAPTER 78

An Act to amend The Separate Schools Act

Assented to March 31st, 1955
Session Prorogued March 31st, 1955

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 21 of *The Separate Schools Act* is amended by adding thereto the following subsection: Rev. Stat.,
c. 356, s. 21,
amended

(1a) The board shall be a corporation and, where it has jurisdiction in only one unorganized township, shall be known as "The Board of Trustees of the Roman Catholic Separate School of the Township of..... in the territorial district of.....
(inserting the name of the township, the number of the separate school and the district)", where it has jurisdiction in more than one unorganized township, as "The Board of Trustees of the Roman Catholic Separate School of the Townships of..... in the territorial district of.....
(inserting the names of the townships, the number of the separate school and the name of the district)" and, where it has jurisdiction in unsurveyed territory, as "The Board of Trustees of the Roman Catholic Separate School of.....
(inserting a name selected by the inspector)". Corporate
name of
board

2. Subsection 6 of section 75 of *The Separate Schools Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 356, s. 75,
subs. 6,
re-enacted

- (6) Before any such by-law is acted upon, notice of the passing of the by-law shall be published for three consecutive weeks in a newspaper published weekly or oftener in the municipality or county in which the separate school is situate stating, Publication
of notice
of by-law
- (a) the purpose for which the money is to be borrowed;
- (b) the amount to be borrowed and the security therefor;
- (c)

(c) the terms of repayment including the rate of interest,

and if no application to quash the by-law is made for three months after publication of notice of the passing thereof, the by-law shall be valid notwithstanding any want of substance or form in the by-law or in the time or manner of passing the by-law.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Separate Schools Amendment Act, 1955*.

CHAPTER 79

An Act to amend The Solicitors Act*Assented to March 31st, 1955**Session Prorogued March 31st, 1955*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 24 of *The Solicitors Act* is repealed. Rev. Stat.,
c. 368, s. 24,
repealed
2. This Act may be cited as *The Solicitors Amendment Act, 1955*. Short title

CHAPTER 80

**An Act to bring up to date the References to
the Statutes of Canada in the
Statutes of Ontario**

*Assented to March 31st, 1955
Session Prorogued March 31st, 1955*

HER MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. A reference in an Act of the Legislature to an enactment of the Parliament of Canada that has been re-enacted, amended, revised or consolidated shall be deemed to be a reference to such enactment as re-enacted, amended, revised or consolidated and in force on the day this Act comes into force. References brought up to date

2. This Act comes into force on the 1st day of April, 1955. Commence-
ment

3. This Act may be cited as *The Statutory References Act, 1955*. Short title

CHAPTER 81

**An Act to amend
The St. Lawrence Development Act, 1952 (No. 2)**

*Assented to March 31st, 1955
Session Prorogued March 31st, 1955*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 11 of *The St. Lawrence Development Act, 1952* (No. 2) is repealed and the following substituted therefor: 1952
(2nd Sess.),
c. 3, s. 11,
re-enacted

11.—(1) The Commission shall make to the owner of land entered upon, taken or used by it for the purposes of this Act fair, just and equitable compensation under this Act for any damage resulting therefrom beyond any advantage that the owner may derive from the work for which the land has been so entered upon, taken or used, and in making such compensation regard shall be had to the special circumstances occasioned by the power development works provided for in this Act and the resultant dislocation of persons and communities. Right to
compensa-
tion

(2) The Commission shall make to the owner of any land or property injuriously affected in the carrying out of the purposes of this Act fair, just and equitable compensation under this Act for any damage resulting therefrom beyond any advantage that the owner may derive from the work for the purpose of which the land or property was injuriously affected, and in making such compensation regard shall be had to the special circumstances occasioned by the power development works provided for in this Act and the resultant dislocation of persons and communities. Idem

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The St. Lawrence Development Amendment Act, 1955*. Short title

CHAPTER 82

An Act to amend The Succession Duty Act

*Assented to March 31st, 1955**Session Prorogued March 31st, 1955*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 9 of *The Succession Duty Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 378, s. 9,
subs. 3,
re-enacted

- (3) Notwithstanding anything in this Act, where the deceased died domiciled in Ontario any one branch of any bank, trust company, or any insurance company, other corporation or any one person or any credit union may pay to the person entitled thereto an amount not exceeding \$500 of money on deposit standing to the credit of the deceased either alone or jointly with any person, without the consent of the Treasurer, and notice of such payment shall be transmitted forthwith to the Treasurer, and such notice shall show the full name of the deceased, the date and place of his death, the amount paid, the name and relationship to the deceased of the person to whom paid and the total amount of the money on deposit at the date of death of the deceased.

Payment of
money on
deposit,
where no
consent
necessary

2. Subsection 1 of section 14 of *The Succession Duty Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 378, s. 14,
subs. 1,
re-enacted

- (1) The Treasurer may accept security satisfactory to him,

Security
for duty

- (a) for the payment of any duty that appears to be due, whether it has become payable or not, by deposit with him of a sum of money in an amount which he deems to be sufficient;
- (b) for the payment of any duty that appears to be due which has not become payable, by deposit with him of securities acceptable to him of a value which he deems to be sufficient;
or

(c)

- (c) for the payment of any duty with respect to an interest in expectancy that is not to be paid until such interest falls into possession or for any duty that is not ascertainable until some future time, by bond acceptable to him and in such penal sum as he requires or by deposit with him of securities acceptable to him of a value which he deems to be sufficient.

Idem

- (1a) The Treasurer may accept security satisfactory to him for compliance by any person with section 24, by bond acceptable to the Treasurer and in such penal sum as he requires or by deposit with him of securities acceptable to him of a value which he deems to be sufficient.

Form of
bond

- (1b) Where the security mentioned in clause c of subsection 1 or in subsection 1a is by way of bond, the bond shall be in such form as is prescribed by the Lieutenant-Governor in Council.

Rev. Stat.,
c. 378, s. 24,
subs. 3,
amended

3. Subsection 3 of section 24 of *The Succession Duty Act* is amended by striking out the words "*The Public Revenue Act*" in the fifth line and inserting in lieu thereof the words "*The Financial Administration Act, 1954*", so that the subsection shall read as follows:

Money to
be paid
over to
Treasurer

- (3) Any executor or trustee or any person who has any money for the payment of duty, interest or penalties shall be deemed to be a person who has received money for the Crown or for which he is accountable to the Crown within the meaning of *The Financial Administration Act, 1954*.

1954, c. 30

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Succession Duty Amendment Act, 1955*.

CHAPTER 83

An Act to amend The Summary Convictions Act

Assented to March 31st, 1955
Session Prorogued March 31st, 1955

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Summary Convictions Act* is repealed Rev. Stat.,
c. 379, s. 3,
re-enacted and the following substituted therefor:
 - 3.—(1) Except where inconsistent with this Act, Parts XIX and XXIV and sections 21, 22, 446 (in so far Application
of Criminal
Code as it relates to a witness), 621, 623, 624, 625, 682, 683, 684 and 689 of the *Criminal Code* (Canada) as 1953-54,
c. 51 (Can.) amended or re-enacted from time to time, apply *mutatis mutandis* to every case to which this Act applies as if the provisions thereof were enacted in and formed part of this Act.
 - (2) In proceedings under this Act the depositions need Depositions
need not
be signed not be read over to or signed by the witness.
 - (3) Notwithstanding anything in *The Judicature Act*, a Stated
cases case stated under Part XXIV of the *Criminal Code* Rev. Stat.,
c. 190 (Canada) shall be heard and determined by a judge of the Supreme Court in chambers.
2. This Act comes into force on the 1st day of April, 1955. Commence-
ment
3. This Act may be cited as *The Summary Convictions Amendment Act, 1955*. Short title

CHAPTER 84

An Act for granting to Her Majesty certain sums of money for the Public Service for the fiscal years ending the 31st day of March, 1955, and the 31st day of March, 1956

*Assented to March 31st, 1955
Session Prorogued March 31st, 1955*

MOST GRACIOUS SOVEREIGN:

WHEREAS it appears by messages from the Honourable Preamble
Louis Orville Breithaupt, Lieutenant-Governor of the Province of Ontario, and the estimates accompanying the same, that the sums mentioned in the Schedules to this Act are required to defray certain expenses of the public service of this Province, not otherwise provided for, for the fiscal year ending the 31st day of March, 1955, and for the fiscal year ending the 31st day of March, 1956, and for other purposes connected with the public service; may it therefore please Your Majesty that it be enacted and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

1. In addition to the sum of \$370,892,100 granted by *The Supply Act, 1954*, there may be paid out of the Consolidated Revenue Fund a sum not exceeding in the whole \$39,318,000 to be applied towards defraying the several charges and expenses of the public service, not otherwise provided for, from the 1st day of April, 1954, to the 31st day of March, 1955, as set forth in Schedules A and B to this Act, and such sum shall be paid and applied only in accordance with the votes and items of the supplementary estimates and further supplementary estimates upon which such Schedules are based. \$39,318,000
granted for
fiscal year
1954-55

2. There may be paid out of the Consolidated Revenue Fund a sum not exceeding in the whole \$429,389,000 to be applied towards defraying the several charges and expenses of the public service, not otherwise provided for, from the 1st day of April, 1955, to the 31st day of March, 1956, as set forth in Schedule C to this Act, and such sum shall be paid and applied only in accordance with the votes and items of the estimates upon which such Schedule is based. \$429,389,000
granted for
fiscal year
1955-56

Accounting
for expendi-
ture

3. The due application of all moneys expended under this Act shall be accounted for to Her Majesty.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Supply Act, 1955*.

SCHEDULE A

Education Department.....	\$ 6,700,000
Health Department.....	8,868,000
Highways Department.....	15,500,000
Treasury Department.....	1,000,000
	<hr/>
	\$32,068,000
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SCHEDULE B

Education Department.....	\$ 3,500,000
Municipal Affairs Department.....	3,750,000
	<hr/>
	\$ 7,250,000
	<hr/>

SCHEDULE C

Agriculture Department.....	\$ 9,970,000
Attorney-General's Department.....	12,991,000
Education Department.....	86,695,000
Health Department.....	52,492,000
Highways Department.....	141,333,000
Insurance Department.....	239,000
Labour Department.....	12,671,000
Lands and Forests Department.....	14,023,000
Lieutenant-Governor's Office.....	20,000
Mines Department.....	2,204,000
Municipal Affairs Department.....	3,305,000
Planning and Development Department.....	4,175,000
Prime Minister's Office.....	103,000
Provincial Auditor's Office.....	336,000
Provincial Secretary's Department.....	1,588,000
Public Welfare Department.....	29,169,000
Public Works Department.....	42,545,000
Reform Institutions Department.....	9,327,000
Travel and Publicity Department.....	905,000
Treasury Department.....	5,298,000
	<hr/>
	\$429,389,000
	<hr/>

CHAPTER 85

An Act to amend The Surrogate Courts Act

Assented to March 31st, 1955
Session Prorogued March 31st, 1955

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 56 of *The Surrogate Courts Act* is amended by adding thereto the following subsection: Rev. Stat.,
c. 380, s. 56,
amended

- (2) Where after a grant has issued out of the surrogate court the value of the estate has been decreased for succession duty purposes, the executor or administrator may apply to the registrar of the surrogate court from which the grant issued for a refund of the amount of the difference between the amount of the fees paid and the amount of the fees that would have been payable at the time of the issue had the value of the estate been placed at the amount to which it has been so decreased, and the registrar shall make such refund and amend his records accordingly. Fees on
decreased
valuation

2. This Act may be cited as *The Surrogate Courts Amendment Act, 1955*. Short title

CHAPTER 86

An Act to amend The Teachers' Superannuation Act

Assented to March 31st, 1955
Session Prorogued March 31st, 1955

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 16 of *The Teachers' Superannuation Act* is amended by adding thereto the following subsection: Rev. Stat.,
c. 384, s. 16,
amended

- (2) The Treasurer, as custodian of the fund, may at the request of the Minister, when both the Treasurer and the Minister deem it advisable for the sound and efficient management of the fund, invest any part of the fund for any period not exceeding twelve months in any securities in which the Treasurer may invest the public moneys of Ontario. Short-term
investments

2. Section 22 of *The Teachers' Superannuation Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 384, s. 22,
re-enacted

22. Annually and at the same time as contributions are placed to the credit of the fund under section 18, the Treasurer shall place to the credit of the fund, Contribu-
tions by
Province

(a) sums equal to two-thirds of those contributed under section 17; and

(b) in the case of moneys paid into the fund under the regulations for the purpose of establishing service credits in the fund, sums equal to the sums he would have credited to the fund if such moneys had been contributed in the usual way during the periods represented by the service credits.

3.—(1) Where a male person who had credit in the fund for fifteen or more years died before the 1st day of April, 1949, while employed or within two years after ceasing to be employed on account of ill-health, or within one year after ceasing to be employed for any reason other than ill-health Allowances
provided for
certain
dependants

during

Rev. Stat.,
c. 384

during which year he manifested to the satisfaction of the Commission a *bona fide* intention of becoming employed as soon as possible, or a male person who was in receipt of an allowance died before the 1st day of April, 1949, leaving a widow or a child or children who if he had died on or after the 1st day of April, 1949, would have been entitled to a dependant's allowance under *The Teachers' Superannuation Act*, such widow or child or children shall be entitled to receive from the 1st day of April, 1954, a dependant's allowance under that Act at the rate of \$300 per annum.

Applica-
tion of
subs. 1 to
Rev. Stat.,
c. 384, s. 31,
subss. 4, 5

(2) Subsection 1 applies *mutatis mutandis* to the persons mentioned in subsections 4 and 5 of section 31 of *The Teachers' Superannuation Act*.

Re-computa-
tion of
certain
allowances

4.—(1) Every allowance that commenced before the 1st day of April, 1954, and which is being paid on the 1st day of April, 1955, shall, on the basis of the periods of employment in respect of which the allowance was originally granted, be re-computed in accordance with *The Teachers' Superannuation Act* and the regulations in force on the day this Act comes into force and shall be paid thereafter as so re-computed.

Idem

(2) If in any case the re-computation mentioned in subsection 1 results in a reduction in the amount of the allowance the re-computation shall be disregarded.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Teachers' Superannuation Amendment Act, 1955*.

CHAPTER 87

An Act to repeal The Telegraph Act

Assented to March 31st, 1955
Session Prorogued March 31st, 1955

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Telegraph Act* is repealed.
2. This Act may be cited as *The Telegraph Repeal Act*,
1955.

Rev. Stat.,
c. 386, re-
pealed

Short title

CHAPTER 88

An Act to amend The Telephone Act, 1954

Assented to March 31st, 1955
Session Prorogued March 31st, 1955

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 46 of *The Telephone Act, 1954* is amended by adding thereto the following subsection: 1954,
c. 94, s. 46,
amended

(2) A by-law under clause *b* of subsection 1 providing for and regulating the remuneration of the commissioners does not require the approval of the Department of Municipal Affairs under section 419 of *The Municipal Act*. Remuneration of
commissioners
Rev. Stat.,
c. 243

2. Section 53 of *The Telephone Act, 1954* is amended by adding at the end thereof the words "unless he is a subscriber", so that the section shall read as follows: 1954,
c. 94, s. 53,
amended

53. No person is entitled to vote at a general meeting unless he is a subscriber to the telephone system, but any member of the council of the initiating municipality may attend any general meeting and take part in the deliberations thereat, but shall not vote unless he is a subscriber. Who may
vote at
general
meeting

3. Section 65 of *The Telephone Act, 1954* is repealed and the following substituted therefor: 1954,
c. 94, s. 65,
re-enacted

65. No by-law, and no special resolution as defined in *The Corporations Act, 1953*, of an incorporated telephone company hereafter passed has any force or effect until approved by the Authority and every such company shall cause such by-laws and special resolutions to be kept available for inspection at the head office of the company. By-laws to
be approved
by Authority
1953, c. 19

4. Section 78 of *The Telephone Act, 1954* is amended by inserting after the word "system" in the first line the words "and no part of a system", so that the section shall read as follows: 1954,
c. 94, s. 78,
amended

Sales or
transfers of
systems, etc.

78. No telephone system and no part of a system or controlling interest in a system shall be sold or disposed of and no system shall be amalgamated with another system and no system shall enter into an agreement which in effect transfers its ownership or control to another system, whether the other system is under the jurisdiction of the Legislature or not, until the Authority has approved the sale or other disposition, amalgamation or agreement.

1954,
c. 94, s. 83,
re-enacted

5. Section 83 of *The Telephone Act, 1954* is repealed and the following substituted therefor:

Depreciation
fund

83.—(1) Every telephone system shall provide and maintain a proper and adequate depreciation fund and for that purpose shall set aside each year a proportion of its earnings and the fund so provided shall, unless otherwise authorized by the Authority, be applied exclusively to meet the cost of the renewal and replacement of such portion of the plant of the system as may be rendered necessary by age, wear and tear, obsolescence, damage by storm or other contingency, and the Authority may require the system to make such changes in the rate of depreciation from time to time as the Authority considers expedient.

Deposit,
investment
and applica-
tion of fund

(2) The moneys carried to the credit of the depreciation fund shall, unless the Authority otherwise directs, be deposited in a chartered bank at interest and

Rev. Stat.,
c. 400

(a) may be invested in such securities as trustees may invest in under *The Trustee Act*; or

(b) may, with the approval of the Authority, be expended in new constructions or extensions or additions to the system.

Interest

(3) All earnings accruing from any portion of the depreciation fund deposited or invested as provided in subsection 2 shall from time to time be carried to the credit of the depreciation fund.

1954,
c. 94, s. 116,
subs. 1,
amended

6. Subsection 1 of section 116 of *The Telephone Act, 1954* is amended by striking out the words "Minister of Municipal Affairs" in the third line and inserting in lieu thereof the words "member of the Executive Council to whom the administration of this Act is assigned", so that the subsection shall read as follows:

- (1) The Authority shall, after the close of each calendar year, make an annual report upon the affairs of the Authority to the member of the Executive Council to whom the administration of this Act is assigned who shall file it with the Provincial Secretary.

7. This Act comes into force on the day it receives Royal Assent.

8. This Act may be cited as *The Telephone Amendment Act, 1955*.

CHAPTER 89

An Act to amend The Trench Excavators Protection Act, 1954

*Assented to March 31st, 1955
Session Prorogued March 31st, 1955*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Trench Excavators Protection Act, 1954* ^{1954,} is amended by adding thereto the following clause: ^{c. 99, s. 2,} ^{amended}

(cc) to a part of a trench excavated for a pipe line or conduit if the trench is mechanically excavated, if the sections of the line or conduit are permanently assembled before being mechanically placed in the trench, and if the trench is mechanically back-filled.

2. Subsection 1 of section 5 of *The Trench Excavators Protection Act, 1954* ^{1954,} is amended by inserting after the word ^{c. 99, s. 5,} "Act" in the second line the words "or the regulations" and ^{subs. 1,} ^{amended} by striking out the words "with this Act" in the third line and inserting in lieu thereof the word "therewith", so that the subsection shall read as follows:

(1) Where an inspector finds that any provision of this ^{Order of} ^{inspector} Act or the regulations is being violated, he may give such order in writing as he thinks necessary to secure compliance therewith, and until such order is carried out the work upon that part of the trench in which the violation occurs shall be suspended.

3.—(1) Section 6 of *The Trench Excavators Protection Act, 1954* ^{1954,} is amended by adding thereto the following clause: ^{c. 99, s. 6,} ^{amended}

(cc) the particulars, known to the owner or contractor, as to the type and condition of the soil, and the location of any pipes, conduits or prior excavations in or adjacent to the proposed trench.

(2) The said section 6 is further amended by adding thereto ^{1954,} the following subsection: ^{c. 99, s. 6,} ^{amended}

Exception

- (2) Notwithstanding subsection 1, where it is necessary to excavate a trench immediately in order to permit the making of a repair or to take other action to prevent injury to persons or damage to property, work on the trench may be commenced without compliance with subsection 1 but in any such case the notice shall be given to the inspector as soon as practicable.

1954,
c. 99, s. 8,
subs. 1,
amended

4.—(1) Subsection 1 of section 8 of *The Trench Excavators Protection Act, 1954* is amended by adding at the end thereof the words “except that where the inspector gives permission in writing to the person in charge of the work in connection with the trench, the shoring and timbering need not extend above the top of the trench”, so that the subsection shall read as follows:

Shoring and
timbering

- (1) The sides of all trenches exceeding four feet in depth shall be securely shored and timbered with good quality material in accordance with the regulations and the shoring and timbering shall extend at least one foot above the top of the trench, except that where the inspector gives permission in writing to the person in charge of the work in connection with the trench, the shoring and timbering need not extend above the top of the trench.

1954,
c. 99, s. 8,
subs. 2,
amended

(2) Subsection 2 of the said section 8 is amended by inserting after the word “or” in the second line the words “where the trench is excavated in hard and solid soil and does not exceed six feet in depth or”, so that the subsection shall read as follows:

Application

- (2) Subsection 1 does not apply where the trench is cut in solid rock or where the trench is excavated in hard and solid soil and does not exceed six feet in depth or where the sides of the trench are sloped to within four feet of the bottom of the trench so that the sloped sides of the trench do not have more than one foot of vertical rise to each foot of horizontal run.

1954,
c. 99, s. 8,
amended

(3) The said section 8 is amended by adding thereto the following subsection:

Removal of
shoring

- (6) Where the shoring and timbering is to be removed on completion of the other work in a trench, such removal shall be done by or under the personal supervision of a person experienced in removing shoring and timbering.

5. Subsection 1 of section 11 of *The Trench Excavators Protection Act, 1954* is amended by adding at the end thereof the words "unless the inexperienced person works under the personal supervision of a person having experience in such work", so that the subsection shall read as follows:

- (1) The person in charge of work in connection with a trench shall not allow or designate any person inexperienced in handling dynamite or other high explosives to handle, transport, prepare or use dynamite or other high explosives in connection with such work unless the inexperienced person works under the personal supervision of a person having experience in such work.

6. Section 12 of *The Trench Excavators Protection Act, 1954* is amended by adding thereto the following subsection:

- (3) Where mechanical ventilation may not adequately supply uncontaminated air for a person in a trench, such person shall be provided with and shall use respiratory protective equipment furnishing air from an uncontaminated source.

7. Section 15 of *The Trench Excavators Protection Act, 1954* is repealed and the following substituted therefor:

- 15.—(1) No tool, machinery, timber or other object shall be placed in or kept adjacent to a trench in a manner that may endanger the safety of a person in the trench.

- (2) No excavated material shall be placed or kept within two feet of the edge of a trench.

8. Section 17 of *The Trench Excavators Protection Act, 1954* is amended by adding thereto the following subsection:

- (3) This section applies only to a trench in or adjacent to a public or private way.

9. Section 18 of *The Trench Excavators Protection Act, 1954* is amended by inserting after the word "enter" in the second line the words "or to remain in" and by striking out the words "have not been" in the fourth line and inserting in lieu thereof the words "are not", so that the section shall read as follows:

18. The person in charge of work in connection with a trench shall not allow any person to enter or to remain in the trench if the provisions of this Act and the regulations with respect to such trench are not complied with.

1954,
c. 99, s. 21,
amended

10. Section 21 of *The Trench Excavators Protection Act, 1954* is amended by striking out the words "During periods of temporary shut-down" at the commencement thereof, so that the section shall read as follows:

Solitary
workers

21. No person shall be allowed to work alone in a trench exceeding twenty feet in depth unless another person is on duty outside the trench in close proximity to the part of the trench in which the other person is working.

Commence-
ment

11. This Act comes into force on the day it receives Royal Assent.

Short title

12. This Act may be cited as *The Trench Excavators Protection Amendment Act, 1955*.

CHAPTER 90

An Act to amend The University of Toronto Act, 1947

*Assented to March 31st, 1955
Session Prorogued March 31st, 1955*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *g* of section 1 of *The University of Toronto Act, 1947*, ^{1947, c. 112, s. 1, cl. *g*.} amended is amended by striking out the word "Nomination" in the first and second lines respectively and inserting in lieu thereof the word "Election", so that the clause shall read as follows:

(*g*) "Committee of Election" shall mean Committee of ^{"Committee of Election"} Election established under this Act.

2. Section 33 of *The University of Toronto Act, 1947* is ^{1947, c. 112, s. 33,} amended by inserting after the word "Senate" in the third ^{amended} line the words "and the Committee of Election" and by adding at the end thereof the words "or the powers conferred upon the Committee of Election by sections 62 to 67", so that the section shall read as follows:

33. The Board may modify, alter and change the consti- ^{Alterations to constitu-} tution of any body constituted or continued by this ^{tion} Act, except the Senate and the Committee of Election, and create such new bodies as may be deemed necessary for the purpose of carrying out the objects and provisions of this Act, and also confer upon the bodies constituted or continued by this Act, or any of them, and upon any new body hereafter constituted, such powers as to the Board may seem meet, but nothing herein shall authorize any abridgement of the powers conferred upon the Senate by section 48 or the powers conferred upon the Committee of Election by sections 62 to 67.

3. Section 42 of *The University of Toronto Act, 1947* is ^{1947, c. 112, s. 42,} repealed and the following substituted therefor: ^{re-enacted}

42.—(1) The Senate of the University shall be composed ^{Senate, how} as follows: ^{composed}

(*a*)

(a) The following shall be *ex officio* members:

1. The Chancellor.
2. The President.
3. The Chairman of the Board.
4. The Principal of University College.
5. The President of Victoria University.
6. The Provost of Trinity College.
7. The Superior of St. Michael's College.
8. The Principal of Knox College.
9. The Principal of Wycliffe College.
10. The Principal of Emmanuel College.
11. The President of the Ontario Agricultural College.
12. The Principal of the Ontario Veterinary College.
13. The Dean of the Faculty of Arts.
14. The Dean of the Faculty of Medicine.
15. The Dean of the Faculty of Applied Science and Engineering.
16. The Dean of the Ontario College of Education.
17. The Dean of the Faculty of Forestry.
18. The Dean of the Royal Conservatory of Music of Toronto.
19. The Dean of the School of Graduate Studies.
20. The Dean of the Faculty of Dentistry.
21. The Dean of the School of Law.
22. The Dean of the Faculty of Pharmacy.
23. The Director of the Library School.
24. The Director of the Faculty of Music.
25. The Director of the School of Architecture.
26. The Director of the School of Physical and Health Education.
27. The Director of the School of Social Work.
28. The Director of the School of Nursing.
29. The Director of the School of Hygiene.
30. The Director of the Institute of Child Study.
31. The Director of the Institute of Business Administration.
32. The Director of the Department of University Extension.
33. The Librarian.
34. The President of the University of Toronto Alumni Association.

(b)

(b) Members shall be appointed as follows:

1. Two members by University College.
2. One member by Victoria University.
3. Three members by the University of Trinity College.
4. Two members by St. Michael's College.
5. One member by Knox College.
6. One member by Wycliffe College.
7. One member by Emmanuel College.
8. One member by the Law Society of Upper Canada.
9. One member by the College of Physicians and Surgeons of Ontario.
10. One member by the Royal College of Dental Surgeons of Ontario.
11. One member by the Ontario Association of Architects.
12. One member by the Association of Professional Engineers of Ontario.

(c) Members shall be elected by and from among the members of college, faculty and school councils as follows:

1. The Faculty of Arts, thirty members.
2. The Faculty of Medicine, five members.
3. The Faculty of Applied Science and Engineering, six members.
4. The Faculty of Household Science, one member.
5. The Ontario College of Education, two members.
6. The Faculty of Forestry, one member.
7. The Faculty of Music, one member.
8. The School of Graduate Studies, five members.
9. The Faculty of Dentistry, two members.
10. The School of Law, one member.
11. The Faculty of Pharmacy, one member.
12. The School of Architecture, one member.
13. The School of Physical and Health Education, one member.
14. The School of Social Work, one member.
15. The School of Nursing, one member.
16. The Department of University Extension, one member.

(d)

(d) Each of the following groups shall elect the number of members indicated:

1. The graduates in arts and science of the University who at the time of graduation were enrolled in University College, seven members.
2. The graduates in arts and science of Victoria University and the graduates in arts and science of the University who at the time of graduation were enrolled in Victoria College, six members.
3. The graduates in arts and science of Trinity College and the graduates in arts and science of the University who at the time of graduation were enrolled in Trinity College, three members.
4. The graduates in arts and science of the University who at the time of graduation were enrolled in St. Michael's College, three members.
5. The Bachelors of Arts of the University who at the time of graduation were not enrolled in University College or in a federated university or arts college, one member.
6. The Masters of Arts and Doctors of Philosophy of the University each of whom obtained his Bachelor's degree in another university, two members.
7. The graduates in medicine, four members.
8. The graduates in applied science and engineering and such persons as hold the diploma established by the School of Practical Science, whether granted by the School of Practical Science or by the University, six members.
9. The graduates in architecture, one member.
10. The graduates in household science, one member.
11. The graduates in pedagogy, two members.
12. The graduates in library science, one member.
13. The graduates in forestry, one member.

14. The graduates in music, one member.
15. The graduates in dentistry, three members.
16. The graduates in law, one member.
17. The graduates in pharmacy, three members.
18. The graduates in physical and health education, one member.
19. The graduates in social work, one member.
20. The graduates in nursing, one member.
21. The graduates in agriculture, three members.
22. The graduates in veterinary science, two members.
23. Such persons as hold certificates as principals of collegiate institutes or high schools or assistants therein and are actually engaged in teaching in a collegiate institute or high school, four members.
24. Such persons as hold certificates as principals of vocational schools or assistants therein and are actually engaged in teaching in a day vocational school, one member.

(e) A university hereafter federated with the University shall be entitled to be represented on the Senate in proportion of one member for every one hundred graduates in arts and for any fraction of one hundred over one-half, to one additional member, but in no case shall the number of members exceed five.

(f) Where a new college, faculty, school, institute or department is established in the University, the Senate may, subject to confirmation by the Board, provide for representation on the Senate of the college, faculty, school, institute or department and of the graduates of the college, faculty, school, institute or department.

- (2) The representation of the Faculty of Arts as provided in item 1 of clause *c* of subsection 1 is to be divided between the University and the Arts Colleges in the ratio of three to two so that eighteen members of the Senate shall be elected by and from among the members of the Council of the Faculty of Arts who

Faculty of
Arts repre-
sentation

are members of University teaching departments and twelve members of the Senate shall be elected by and from among the members of the councils of the four Arts Colleges, namely, University College, three members, Victoria College, three members, Trinity College, three members and St. Michael's College, three members.

Alternate
members

- (3) College, faculty and school councils entitled to elect a member or members of such councils to the Senate may designate for each such elected member an alternate member from among the members of their respective councils and every such alternate member shall have all the privileges of a member of the Senate at any meeting of the Senate which he attends in the absence of the member whose alternate he is.

1947, c. 112,
ss. 62-67,
re-enacted

4. Sections 62 to 67 of *The University of Toronto Act, 1947* are repealed and the following substituted therefor:

The
Chancellor

- 62.—(1) There shall be a Chancellor of the University who shall be elected by the Committee of Election.

Who eligible

- (2) No person shall be elected to or occupy the office of Chancellor unless he is a British subject and his customary place of residence is in the Province of Ontario.

Who in-
eligible

- (3) No person shall be elected to or occupy the office of Chancellor who is the President of the University, the Principal of University College, the head of a federated university, the head of a federated or affiliated college, or a member of the teaching or administrative staff of the University, of University College, of any of the federated universities or of any of the federated or affiliated colleges, or who is a member of the governing body of any federated university or of any federated or affiliated college.

Nomination
not affected

- (4) Subsection 3 shall not render any person ineligible for nomination for the office of Chancellor.

Nominations
by graduates

- 63.—(1) The Committee of Election shall elect the Chancellor from nominations made to the Committee of Election by graduates of the University entitled to vote at Senate elections.

Form and
delivery of
nominations

- (2) Every nomination made to the Committee of Election shall be in writing signed by at least ten graduates entitled to vote at Senate elections and

shall

shall be addressed to the secretary of the Committee of Election and shall be delivered at the office of the Registrar, or if sent by mail, received at such office not later than,

- (a) except in the cases mentioned in clause *b*, the first Wednesday in April of the year in which the term of the office of Chancellor expires;
 - (b) in the case of the filling of a vacancy under section 65, a date to be fixed by the Committee of Election and published in such manner as it may determine.
- (3) Upon the election of the Chancellor, notice thereof in writing over the signatures of the chairman and secretary of the Committee of Election shall be given to the Board and to the Senate. Notice of election of Chancellor
64. Subject to section 65, the term of office of the Chancellor shall be three years commencing with the 1st day of July of the year in which he is elected and he shall hold office until his successor is elected and shall be eligible for re-election for one additional term of three years only. Term of office
65. If a vacancy in the office of Chancellor occurs for any cause, the vacancy shall be filled by the election by the Committee of Election of a successor, and the successor so elected shall hold office for a period not exceeding three years commencing on a date to be fixed by the Committee of Election and ending on the 30th day of June in such year as the Committee of Election may designate, and he shall hold office until his successor is elected and shall be eligible for re-election for one additional term of three years only. Procedure upon vacancy
66. If the Chancellor ceases to be eligible for such office or becomes mentally ill or otherwise incapable of acting, he shall *ipso facto* vacate his office and a declaration in writing of the existence of such vacancy by the Committee of Election to the Board and to the Senate shall be conclusive evidence thereof. Where Chancellor becomes ineligible
- 67.—(1) The Committee of Election shall be composed of, Committee of Election
- (a) the President of the University of Toronto Alumni Association; and

(b)

- (b) the members of the Senate elected pursuant to items 1 to 22 of clause *d* of subsection 1 of section 42.

First
meeting of
Committee

- (2) The Registrar shall, on or before the 1st day of May, 1955, send by registered mail to each member of the Committee of Election, at his address as it appears in the Election Register as defined in section 85, notice of the first meeting of the Committee, which meeting shall be held at the University on a date not less than fourteen days after the day on which notice is so mailed and not more than thirty days after the said day of mailing at a time to be specified in the notice and until a chairman is elected by the members present, the Registrar shall act as chairman of the meeting, but he shall not be entitled to vote.

Chairman

- (3) The Committee of Election shall elect from among its members a chairman who shall hold office during the pleasure of the Committee and who shall preside at all meetings of the Committee at which he is present.

Acting
chairman

- (4) In the absence of the chairman of the Committee of Election, the members present shall elect from among their number an acting chairman who shall preside at the meeting.

Secretary

- (5) The Committee of Election shall elect from among its members a secretary who shall hold office during the pleasure of the Committee and it shall be the duty of the secretary to keep a record of the proceedings of the Committee and to perform such other duties as may from time to time be assigned to him by the Committee.

Meetings

- (6) The Committee of Election shall meet at such times and places and on such notice as may be fixed by it by regulation, but if at any time there is no such regulation in force a meeting may be held subject to the following conditions:

(a) The meeting shall be held at the University.

(b) Notice in writing of the time and place of the meeting shall be sent by registered mail to each member of the Committee of Election at his address as it appears in the Election

Register as defined in section 85 at least fourteen days before the day on which the meeting is to be held setting out in a general way the business to be transacted at the meeting.

- (c) Notice as aforesaid shall be given by the secretary on the written instructions of the chairman of the Committee of Election, and if there is no chairman in office the notice shall be given by the secretary on the written instructions of any two members of the Committee of Election, and if there is no secretary in office the notice shall be given by the Registrar on the written instructions of the chairman or, if there is no chairman in office, on the written instructions of any two members of the Committee of Election.
- (7) Thirty-three members of the Committee of Election ^{Quorum} shall constitute a quorum at a meeting of the Committee.
- (8) Each member of the Committee of Election, present ^{Voting} at a meeting of the Committee, shall be entitled to one vote.
- (9) All questions at a meeting of the Committee of ^{Idem} Election shall be decided by a majority of the votes of the members present and the chairman or acting chairman and the secretary may vote on all motions and any motion on which there is an equality of votes shall be deemed to be negated.
- (10) Notwithstanding any vacancy in the Committee of Election and pending the filling of any such vacancy ^{Thirty-three members may exercise powers} in accordance with clause c of section 46, or in the case of a vacancy in the office of President of the University of Toronto Alumni Association and pending the election of a new president of the said Association, as long as there are at least thirty-three members of the Committee of Election it shall be competent for the Committee to exercise all or any of its powers.

5. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

6. This Act may be cited as *The University of Toronto* ^{Short title} *Amendment Act, 1955.*

CHAPTER 91

An Act to amend The Vital Statistics Act

Assented to March 31st, 1955
Session Prorogued March 31st, 1955

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 1 and 2 of section 26 of *The Vital Statistics Act*, as re-enacted by section 2 of *The Vital Statistics Amendment Act, 1951*, are repealed and the following substituted therefor:

(1) Upon receipt of,

Change of
name,
registration

(a) a certified copy of an order transmitted under *The Change of Name Act*; or

Rev. Stat.,
c. 47

(b) a certified copy of an order made under an Act of another province; or

(c) a certificate of change of name made under an Act of another province; or

(d) a certified copy of an Act of the Legislature of another province,

being evidence satisfactory to the Registrar-General of the change of name of a person who was born or married in Ontario, the Registrar-General shall register the order, the certificate or the Act, as the case may be.

(2) If the birth or marriage of a person whose change of name is registered under subsection 1 is or becomes registered in Ontario, the Registrar-General, upon production of evidence satisfactory to him of the identity of the person, shall cause a notation of the change of name with a reference to the registration of the order, certificate or Act to be made upon the registration of birth or marriage of the person, and shall cause a reference to the registration of the birth

or

or marriage to be endorsed on the copy of the order or on the certificate or on the copy of the Act, as the case may be.

Short title

2. This Act may be cited as *The Vital Statistics Amendment Act, 1955*.

CHAPTER 92

An Act to amend The Warble Fly Control Act, 1952

*Assented to March 31st, 1955
Session Prorogued March 31st, 1955*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 2 of *The Warble Fly Control Act, 1952* is repealed. 1952, c. 113,
s. 2, subs. 3,
repealed

2. Subsection 2 of section 4 of *The Warble Fly Control Act, 1952* is amended by inserting after the word "may" in the fifth line the words "treat the cattle or", so that the subsection shall read as follows: 1952, c. 113,
s. 4, subs. 2,
amended

- (2) Where an inspector on or after the 18th day of April in any year finds upon inspection that a cattle owner has not treated his cattle for warble fly, or that treatment for warble fly by a cattle owner has not been effective in destroying warble fly grubs, the inspector may treat the cattle or cause the cattle to be treated for warble fly. Power of
inspectors
to treat for
warble fly

3. Section 6 of *The Warble Fly Control Act, 1952* is repealed. 1952,
c. 113, s. 6,
repealed

4. Section 7 of *The Warble Fly Control Act, 1952* is repealed and the following substituted therefor: 1952,
c. 113, s. 7,
re-enacted

- 7.** Every cattle owner who fails to comply with this Act or the regulations or any by-law passed under this Act, and every person who hinders or obstructs an inspector in the course of his duties or refuses to permit an inspector to carry out his duties under this Act or the regulations or any by-law passed under this Act, is guilty of an offence and on summary conviction is liable to a penalty of not less than \$25 and not more than \$50 for a first offence, and to a penalty of not less than \$50 and not more than \$200 or to imprisonment for a term of not more than thirty days for any subsequent offence. Offences
and penalties

1952, c. 113,
s. 8, cl. c,
re-enacted

5. Clause *c* of section 8 of *The Warble Fly Control Act, 1952* is repealed and the following substituted therefor:

(*c*) designating classes of cattle and exempting such classes from the provisions of the by-laws passed under this Act or a predecessor of this Act;

(*cc*) prescribing the methods by which cattle shall be made available for inspection and treatment for warble fly.

Commence-
ment

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. This Act may be cited as *The Warble Fly Control Amendment Act, 1955*.

CHAPTER 93

An Act to amend The Workmen's Compensation Act

Assented to March 31st, 1955
Session Prorogued March 31st, 1955

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 92 of *The Workmen's Compensation Act* is amended by adding thereto the following subsection: Rev. Stat.,
c. 430, s. 92,
amended

(1a) The Board may, for the purpose of the examination mentioned in subsection 1, apply *ex parte* to a judge of the county or district court of the county or district in which the books and accounts are located for an order authorizing an officer of the Board, together with such members of the Ontario Provincial Police Force or other police officers as he calls on to assist him, to enter and search, if necessary by force, any building, receptacle or place for books and accounts of the employer and to seize and take away any such books and accounts for the purpose of the examination and retain them in his possession until such examination is completed. Order to
seize books

2. Section 4 of *The Workmen's Compensation Amendment Act, 1953* is repealed and the following substituted therefor: 1953,
c. 109, s. 4,
re-enacted

4. Section 3 applies only where the death of the workman resulting from an injury occurs on or after the 2nd day of April, 1953, and where the death of the workman occurred before that date the amount of the compensation shall be the same as if section 3 had not been passed. Application
of s. 3

3. This Act comes into force on the day it receives Royal Assent. Commence-
ment

4. This Act may be cited as *The Workmen's Compensation Amendment Act, 1955*. Short title

PART II
PRIVATE ACTS
Chapters 94 to 119

CHAPTER 94

An Act respecting the Town of Amherstburg

Assented to March 31st, 1955
Session Prorogued March 31st, 1955

WHEREAS The Corporation of the Town of Amherst- Preamble
burg by its petition has represented that the council
of the Town has constructed as local improvements, pursuant
to the petitions of the property owners concerned, the sewers
described in the Schedule hereto, and has prayed for special
legislation in respect of the matters hereinafter set forth;
and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. By-law No. 787 passed by The Corporation of the Town By-law
No. 787
confirmed
of Amherstburg on the 24th day of October, 1949, set forth
in the Schedule hereto, is hereby confirmed and declared
to be legal, valid and binding upon the Corporation and the
ratepayers thereof.

2. By-law No. 787A passed by The Corporation of the By-law
No. 787A
confirmed
Town of Amherstburg on the 24th day of January, 1955,
set forth in the Schedule hereto, authorizing the issue of
debentures of the Corporation in the principal amount of
\$20,250.13 to pay the cost of constructing the sewers, including
private drain connections to the respective street lines, is
hereby confirmed and declared to be legal, valid and binding
upon the Corporation and the ratepayers thereof.

3. Sections 61, 62, 63 and 64 of *The Ontario Municipal* Application
of Rev. Stat.,
c. 262
Board Act shall apply in respect of By-law No. 787A and the
debentures to be issued thereunder.

4. This Act comes into force on the day it receives Royal Commence-
ment
Assent.

5. This Act may be cited as *The Town of Amherstburg* Short title
Act, 1955.

SCHEDULE

BY-LAW NUMBER 787

THE CORPORATION OF THE TOWN OF AMHERSTBURG

A By-law to authorize the construction of a sewer on King Street from Park Street to 100 feet South of Queen Street, and on Balaclava Street from Alma Street to St. Arnaud Street, and on St. Arnaud Street for 150 feet West of the centre of Balaclava Street, and on St. Arnaud Street from Balaclava Street to Victoria Street, as Local improvements under *The Local Improvement Act*.

WHEREAS James A. Flynn has petitioned the Council to construct as a local improvement the work hereinafter firstly described.

AND WHEREAS Frank Burck and others have petitioned the Council to construct as a local improvement the work hereinafter secondly described.

AND WHEREAS the Clerk has certified that the petitions are sufficient.

AND WHEREAS it is expedient to grant the prayers of the petitions in manner hereinafter provided.

THEREFORE, The Council of The Corporation of The Town of Amherstburg enacts as follows:

1. That a sewer be constructed as a local improvement under the provisions of *The Local Improvement Act* on King Street from Park Street to one hundred feet South of Queen Street with private drain connections to the line of the street connecting such sewer with Lots 1 to 11 and 30 to 40, inclusive, according to Registered Plan No. 1485.

2. That a sewer be constructed as a local improvement under the provisions of *The Local Improvement Act* on Balaclava Street from Alma Street to St. Arnaud Street, and on St. Arnaud Street for 150 feet West of the centre of Balaclava Street, and on St. Arnaud Street from Balaclava Street to Victoria Street with private drain connections to the line of the streets connecting such sewer with Lots 18 to 31 inclusive, according to Registered Plan Number 946, and with Lots 58 (4 connections), 59, 60, 62 to 69 inclusive, 73, 74 (2 connections), 75 and 76, according to Registered Plan Number 240.

3. The Engineer of the Corporation, C. G. R. Armstrong, O.L.S., do forthwith make such plans, profiles and specifications and furnish such information as may be necessary for the making of a contract for the execution of the work.

4. The work shall be carried on and executed under the superintendence and according to the directions and orders of such Engineer.

5. The Mayor and Clerk are authorized to cause a contract for the construction of the work to be made and entered into with some person or persons, firm or corporation subject to the approval of this Council to be declared by resolution.

6. The Treasurer may (subject to the approval of the Council) agree with any bank or person for temporary advances of money to meet the cost of the work pending the completion of it.

7. The special assessment shall be paid by ten annual instalments.

8. The debentures to be issued for the loan to be effected to pay the cost of the work when completed shall bear interest at $3\frac{1}{2}\%$ per cent per annum and be made payable within ten years on the instalment plan.

9. Any person whose lot is specially assessed may commute for a payment in cash with special rates imposed thereon by paying the portion of the cost of construction assessed upon such lot without the interest forthwith after the special assessment roll has been certified by the Clerk and at any time thereafter by the payment of such sum as when invested at $3\frac{1}{2}\%$ per annum will provide an annuity sufficient to pay the special rates for the unexpired portion of the term as they fall due.

READ a first and second time, this 24th day of October, 1949.

A. H. STEVENSON,
Mayor.

L. J. PETTYPIECE,
Clerk.

BY-LAW NUMBER 787A

THE CORPORATION OF THE TOWN OF AMHERSTBURG

A By-law to amend By-law No. 787, being a by-law to authorize the construction of sewers,

- (1) On King Street from Park Street to 100 feet South of Queen Street, and
- (2) on Balaclava Street from Alma Street to St. Arnaud Street, on St. Arnaud Street for 150 feet West of the centre of Balaclava Street, and on St. Arnaud Street from Balaclava Street to Victoria Street,

as local improvements under *The Local Improvement Act*, and to authorize the issue of debentures in the principal amount of \$20,250.13 to pay the cost of constructing such sewers including private drain connections to the respective street lines.

WHEREAS the owners of the lands abutting thereon petitioned the Municipal Council to construct the said sewers as local improvements, and the Clerk certified that the petitions were sufficient.

AND WHEREAS the construction of the said sewers and private drain connections was authorized by the Municipal Council on the 14th day of March, 1949, and By-law No. 787 was duly passed on the 24th day of October, 1949, and the undertaking of the capital expenditure for such construction was approved by the Ontario Municipal Board by its Order, dated the 2nd day of November, 1949, as amended by its Orders dated the 27th day of February, 1952, the 11th day of December, 1953, and the 30th day of June, 1954, respectively.

AND WHEREAS during the construction of the sewer on King Street the owner of the lands abutting thereon requested that such sewer be extended Southerly to the North limit of Lot 20, Plan 1485, and submitted to such lands being specially assessed for the cost thereof.

AND WHEREAS the construction of the sewers and the extension on King Street was duly approved by the Department of Health.

AND WHEREAS the Corporation of the Town of Amherstburg has constructed as local improvements on petition the said sewers, including private drain connections to the respective street lines, as shown in Schedule A hereto, and the respective costs of such sewers are as set out in the said Schedule.

AND WHEREAS doubts have arisen concerning the validity of By-law No. 787 by reason of a judgment of the High Court of Justice for Ontario declaring that such by-law does not affect certain of the lands abutting

on the sewer on King Street, and restraining the Corporation from making assessments against such lands; and such judgment has been appealed to the Court of Appeal for Ontario, and such appeal has not yet been heard and adjudicated.

AND WHEREAS it is deemed necessary for the purpose of giving effect to and carrying out the intention of the petitioners for the said sewers that said By-law No. 787 be amended so as to apply to all the lands abutting on the said sewers; and for the purpose of paying the cost of construction of such sewers, including private drain connections to the respective street lines, to borrow \$20,250.13 upon the credit of the Corporation and to issue debentures therefor bearing interest payable annually at the rate of four (4%) per cent, and it is expedient to make the principal of the said debt repayable in annual instalments during the period of ten years next after the date of issue of such debentures.

AND WHEREAS the amount of the whole rateable property of the said Corporation according to the last revised assessment roll is \$3,241,095.00.

AND WHEREAS the amount of the existing debenture debt of the said Corporation is \$254,154.69, of which no part of the principal or interest is in arrears.

THEREFORE, The Municipal Council of The Corporation of The Town of Amherstburg enacts as follows:

1. That paragraph No. 1 of By-law No. 787 be and the same is hereby amended by striking out the words "one hundred feet" and inserting in lieu thereof the words "to a point five hundred feet", and by striking out the word and figures "11 and 30" and inserting in lieu thereof the word and figures "19 and 22" so that the paragraph shall read as follows:

1. That a sewer be constructed as a local improvement under the provisions of *The Local Improvement Act* on King Street from Park Street to a point five hundred feet South of Queen Street with private drain connections to the line of the street connecting such sewer with Lots 1 to 19, and 22 to 40, inclusive, according to Registered Plan No. 1485.
2. That for the purpose of paying the cost of construction of such sewers the Corporation shall borrow upon the credit of the Corporation \$20,250.13, and shall issue debentures therefor, and such debentures shall bear interest at the rate of four (4%) per cent per annum and have coupons attached thereto for the payment of such interest annually.
3. That the debentures shall all be dated the 31st day of December, 1954, and shall be payable in ten annual instalments on the 31st day of December in each of the years 1955 to 1964, both inclusive, and the respective amounts of principal and interest payable in each of such years shall be as set forth in Schedule B hereto annexed, which is hereby declared to be and to form part of this by-law.
4. That the said debentures as to both principal and interest shall be payable in lawful money of Canada at such place or places in Canada as shall be designated thereon.
5. That the said debentures shall be sealed with the seal of the Corporation and signed by the head of the Council, or by some other person authorized by by-law to sign the same, and by the Treasurer. The said interest coupons shall be signed by the treasurer and his signature thereon may be written, stamped, lithographed or engraved.
6. (a) There shall be raised in each year in which an instalment becomes due by a special rate on all the rateable property in the Municipality a specific sum sufficient to pay the said instalment when and as it becomes due, but no greater rate shall be levied in any year for such purpose than is required to pay the instalment after taking into account receipts from the special rate provided in Clause (b) hereof, or from any source in respect of the said work.

(b)

(b) For the payment of the owners' portion of the cost and interest thereon the special assessments set forth in the special assessment rolls which are attached hereto as Schedules C and D, are hereby imposed upon the lands liable therefor as therein set forth, which special assessments with a sum sufficient to cover interest thereon at the rate aforesaid shall be payable in ten equal annual instalments as set out in the said schedules, and for that purpose the special annual rates per foot frontage set forth in the said Special Assessment Rolls are hereby imposed upon the lots entered in the said Roll according to the assessed frontage thereof, over and above all other rates and taxes, and the said special rates shall be collected annually by the Collector of Taxes for the Corporation at the same time and in the same manner as other rates.

7. That the said debentures may contain a clause providing for the registration thereof pursuant to Section 335 of *The Municipal Act*.

8. The Corporation shall have the right, at its option, to redeem the said debentures either in whole or in part on any date prior to maturity at the places where and in the moneys in which the said debentures are expressed to be payable, upon payment of the principal amount thereof together with interest accrued to the date of redemption and upon giving previous notice of said intention to redeem by advertising once in *The Ontario Gazette*, and once in a daily newspaper of general provincial circulation, published in the City of Toronto, and once in a local newspaper, such notice to be advertised as aforesaid, at least thirty days before the date fixed for redemption. Notice of intention so to redeem shall also be sent by post, at least thirty days prior to the date set for such redemption to each person in whose name a debenture so to be redeemed is registered at the address shown in the Debenture Registry Book. Where only a portion of the debentures of this issue is so to be redeemed, such portion shall comprise only the debentures that have the latest maturity dates and no debenture of this issue shall be called for such redemption in priority to any such debenture that has a later maturity date.

9. That this by-law shall not take effect until the by-law has been confirmed by an Act of the Legislative Assembly of the Province of Ontario.

READ a first, second and third time and finally passed the 24th day of January, 1955.

E. M. WARREN,
Mayor.

L. J. PETTYPIECE,
Clerk.

Schedule "A"

Street	From	To	Total Cost	Town's Share	Owners' Share	TOTAL AMOUNT TO BE RAISED ANNUALLY FOR:			
						Payment of Debt	Town's Portion	Owners' Portion	
King.....	Park.....	N. Limit of Lot 20, Plan 1485	\$ 6,345.12	\$1,268.44	\$ 5,076.68	\$ 782.30	\$156.44	\$ 625.86	
Balaclava.....	Alma.....	St. Arnaud.....	13,905.01	2,593.26	11,311.75	1,714.38	319.73	1,394.65	
St. Arnaud.....	Balaclava.....	150' West.....	.....	.....	.....	.....	...	....
St. Arnaud.....	Balaclava.....	Victoria St.....	.....	.....	.....	.....	...	....
			<u>\$20,250.13</u>	<u>\$3,861.70</u>	<u>\$16,388.43</u>	<u>\$2,496.68</u>	<u>\$476.17</u>	<u>\$2,020.51</u>	

Schedule "B"

Year	Principal	Interest	Total Annual Payment
1955.....	\$ 1,650.13	\$ 810.00	\$ 2,460.13
1956.....	1,700.00	744.00	2,444.00
1957.....	1,800.00	676.00	2,476.00
1958.....	1,900.00	604.00	2,504.00
1959.....	2,000.00	528.00	2,528.00
1960.....	2,100.00	448.00	2,548.00
1961.....	2,200.00	364.00	2,564.00
1962.....	2,200.00	276.00	2,476.00
1963.....	2,300.00	188.00	2,488.00
1964.....	2,400.00	96.00	2,496.00
	<u>\$20,250.13</u>	<u>\$4,734.00</u>	<u>\$24,984.13</u>

Schedule "C"

SPECIAL ASSESSMENT ROLL

For the Cost of a Sewer on King Street from Park Street in the Town of Amherstburg, constructed as a Local Improvement.

Name of Owner and Description	Cost per Foot Frontage of Work	Cost of Sewer Connections	Total Cost for Commutation	Annual Cost per Foot Frontage (cents)	Annual Cost in each Year	No. of Installments
Carl Imeson—King St., W. side, Lot 1 and N. 1/2 Lot 2, Plan 1485, 75'..	\$1.64833	\$76.77	\$200.40	32.94	\$24.70	10
Wm. L. Renaud—King St., W. side, S. 1/2 Lot 2 and Lot 3, Plan 1485, 75'..	1.64833	76.77	200.40	32.94	24.71	10
Jas. A. Flynn—King St., W. side, Lot 4, Plan 1485, 50'.....	1.64833	51.18	133.59	32.94	16.47	10
Malcolm Leitch—King St., W. side, Lot 5, Plan 1485, 50'.....	1.64833	51.18	133.60	32.94	16.47	10
Sam. Kubinec—King St., W. side, Lot 6, Plan 1485, 50'.....	1.64833	51.18	133.59	32.94	16.47	10
Donald R. Snyder—King St., W. side, Lot 7, Plan 1485, 50'.....	1.64833	51.18	133.60	32.94	16.47	10
Donald R. Snyder—King St., W. side, Lot 8, Plan 1485, 50'.....	1.64833	51.18	133.60	32.94	16.47	10
Eugene Ouellette—King St., W. side, Lot 9, Plan 1485, 50'.....	1.64833	51.18	133.59	32.94	16.47	10
Ralph Duby—King St., W. side, Lot 10, Plan 1485, 50'.....	1.64833	51.18	133.60	32.94	16.47	10
Douglas H. McKeown—King St., W. side, Lot 11, Plan 1485, 50'.....	1.64833	51.18	133.59	32.94	16.47	10
Jas. A. Flynn—King St., W. side, Lot 12, Plan 1485, 50'.....	1.64833	51.18	133.60	32.94	16.47	10
Leo Hunt—King St., W. side, Lot 13, Plan 1485, 50'.....	1.64833	51.18	133.60	32.94	16.47	10
James A. Flynn—King St., W. side, Lot 14, Plan 1485, 50'.....	1.64833	51.18	133.60	32.94	16.47	10
Donald A. Watts—King St., W. side, Lot 15, Plan 1485, 50'.....	1.64833	51.18	133.60	32.94	16.47	10
Jas. A. Flynn—King St., W. side, Lot 16, Plan 1485, 50'.....	1.64833	51.18	133.59	32.94	16.47	10
Jas. W. Wigle—King St., W. side, Lot 17, Plan 1485, 50'.....	1.64833	51.18	133.60	32.94	16.47	10
Jas. W. Wigle—King St., W. side, Lot 18, Plan 1485, 50'.....	1.64833	51.18	133.59	32.94	16.47	10
Donald Dorman—King St., W. side, Lot 19, Plan 1485, 50'.....	1.64833	51.18	133.60	32.94	16.47	10
Jos. L. Thrasher—King St., E. side, Lot 22, Plan 1485, 50'.....	1.64833	51.18	133.59	32.94	16.47	10
John J. White—King St., E. side, Lot 23, Plan 1485, 50'.....	1.64833	51.18	133.60	32.94	16.47	10
Jas. A. Flynn—King St., E. side, Lot 24, Plan 1485, 50'.....	1.64833	51.18	133.59	32.94	16.47	10
Robt. Noble—King St., E. side, Lot 25, Plan 1485, 50'.....	1.64833	51.18	133.60	32.94	16.47	10
Jas. A. Flynn—King St., E. side, Lot 26, Plan 1485, 50'.....	1.64833	51.18	133.59	32.94	16.47	10
Jas. A. Flynn—King St., E. side, Lot 27, Plan 1485, 50'.....	1.64833	51.18	133.60	32.94	16.47	10
Jas. A. Flynn—King St., E. side, Lot 28, Plan 1485, 50'.....	1.64833	51.18	133.59	32.94	16.47	10
Nykola Seniuk—King St., E. side, Lot 29, Plan 1485, 50'.....	1.64833	51.18	133.60	32.94	16.47	10
John Kay—King St., E. side, Lot 30, Plan 1485, 50'.....	1.64833	51.18	133.59	32.94	16.47	10

Name

Name of Owner and Description	Cost per Foot Frontage of Work	Cost of Sewer Conne- ctions	Total Cost for Commu- tation	Annual Cost per Foot Frontage (cents)	Annual Cost in each Year	No. of Instal- ments
John Kay—King St., E. side, Lot 31, Plan 1485, 50'	1.64833	51.18	133.60	32.94	16.47	10
Leonard Duby—King St., E. side, Lot 32, Plan 1485, 50'	1.64833	51.18	133.60	32.94	16.47	10
Jas. A. Flynn—King St., E. side, Lot 33, Plan 1485, 50'	1.64833	51.18	133.59	32.94	16.47	10
Gerrit J. Bruggink—King St., E. side, Lot 34, Plan 1485, 50'	1.64833	51.18	133.60	32.94	16.47	10
Julius J. Kiss—King St., E. side, Lot 35, Plan 1485, 50'	1.64833	51.18	133.60	32.94	16.47	10
Valentine Fabry—King St., E. side, Lot 36, Plan 1485, 50'	1.64833	51.18	133.59	32.94	16.47	10
Kenneth Gordon—King St., E. side, Lot 37, Plan 1485, 50'	1.64833	51.18	133.60	32.94	16.47	10
Floyd Zimmerman—King St., E. side, Lot 38, Plan 1485, 50'	1.64833	51.18	133.60	32.94	16.47	10
Russel Musyl—King St., E. side, Lot 39, Plan 1485, 50'	1.64833	51.18	133.59	32.94	16.47	10
Vivien J. Marontate—King St., E. side, Lot 40, Plan 1485, 50'	1.64833	51.18	133.60	32.94	16.47	10

C. G. R. ARMSTRONG, C.E.

Windsor, Ontario,
January 13th, 1955.

Schedule "D"

SPECIAL ASSESSMENT ROLL

For the Cost of a Sewer on Balaclava Street and St. Arnaud Street, in the Town of Amherstburg, constructed as a Local Improvement.

Name of Owner and Description.	Cost per Foot Frontage of Work	Cost of Sewer Con- nec- tions	Total Cost for Communi- cation	Annual Cost per Foot Frontage (cents)	Annual Cost in each Year	No. of Instal- ments
Geo. M. Klinger—St. Arnaud St., S. side, Lot 18, Plan 946, 25'.....	\$2.16964	\$58.59	\$112.83	55.64	\$13.91	10
Frank Christl—St. Arnaud St., S. side, Lot 19, Plan 946, 47' 6".....	2.16964	58.59	161.64	41.96	19.93	10
Miss B. W. Enderley—St. Arnaud St., S. side, Lot 20, Plan 946, 47' 6"...	2.16964	58.59	161.64	41.96	19.93	10
Walls Construction Co.—St. Arnaud St., S. side, Lot 21, Plan 946, 47' 6"...	2.16964	58.59	161.64	41.96	19.93	10
Walls Construction Co.—Balaclava St., W. side, Lot 21, Plan 946, 118' 6" (ex. 59' 3').....	2.16964	....	129.09	13.43	15.92	10
Albert and Pauline Lucier—Balaclava St., W. side, Lot 22, Plan 946, 42' 10".....	2.16964	58.59	151.48	43.62	18.68	10
C. Fred Squire—Balaclava St., W. side, Lot 23 and N. ½ Lot 24, Plan 946, 64' 3".....	2.16964	87.88	227.22	43.62	28.02	10
Ilmari Rantainen—Balaclava St., W. side, S. ½ Lot 24 and Lot 25, Plan 946, 64' 3".....	2.16964	87.89	227.22	43.62	28.02	10
Bernard Bezaire—Balaclava St., W. side, Lot 26 and N. ½ Lot 27, Plan 946, 64' 3".....	2.16964	87.88	227.22	43.62	28.02	10
Clarence Renaud—Balaclava St., W. side, S. ½ Lot 27 and Lot 28, Plan 946, 64' 3".....	2.16964	87.89	227.22	43.62	28.02	10
Leo Benetean—Balaclava St., W. side, Lot 29 and N. ½ Lot 30, Plan 946, 64' 3".....	2.16964	87.88	227.22	43.62	28.02	10
Hector Rocheleau—Balaclava St., W. side, S. ½ Lot 30 and Lot 31, Plan 946, 64' 3".....	2.16964	87.89	227.22	43.62	28.02	10
Raymond Barlow—Balaclava St., W. side, Lot 32, Plan 946, 118' (ex. 59') Louis Grondin—Balaclava St., E. side, Pt. Lot 58, Plan 240, 157' 4" (ex. 60').....	2.16964	....	128.01	13.37	15.78	10
Mathew Makra—Balaclava St., E. side, Pt. Lot 58, Plan 240, 62'.....	2.16964	58.59	211.17	16.55	26.04	10
Reford Hunt—Balaclava St., E. side, Pt. Lot 58, Plan 240, 56'.....	2.16964	58.59	193.10	38.40	23.80	10
Harold Jones—Balaclava St., E. side, Pt. Lot 58, Plan 240, 62'.....	2.16964	58.59	180.09	39.64	22.20	10
Gordon E. Aitkens—Balaclava St., E. side, Pt. Lot 58, Plan 240, 50'.....	2.16964	....	193.11	38.40	23.80	10
Lynwood Nye—Balaclava St., E. side, Pt. Lot 58, Plan 240, 60'.....	2.16964	....	108.48	26.75	13.37	10
	2.16964	....	130.18	26.75	16.05	10

Name

Name of Owner and Description	Cost per Foot Frontage of Work	Cost of Sewer Connections	Total Cost for Commutation	Annual Cost per Foot Frontage (cents)	Annual Cost in each Year	No. of Installments
Alex. Rocheleau—Balaclava St., E. side, Pt. Lot 58, Plan 240, 60'	2.16964	....	130.18	26.75	16.05	10
Melvin Sinasac—Balaclava St., E. side, Pt. Lot 58, Plan 240, 159' (ex. 60')	2.16964	....	214.79	26.75	26.48	10
Melvin Sinasac—St. Arnaud St., S. side, Pt. Lot 58, Plan 240, 60' 7"	2.16964	58.59	400.48	31.34	49.38	10
S. DiPasquale—St. Arnaud St., S. side, Pt. Lot 58, Plan 240, 157'	2.16964	....	130.18	26.75	16.05	10
Reno Mancini—St. Arnaud St., S. side, Pt. Lot 58 and 59, Plan 240, 60'	2.16964	....	130.18	26.75	16.05	10
Harry Meloche—St. Arnaud St., S. side, Pt. Lot 59, Plan 240, 92'	2.16964	58.59	258.19	34.60	31.83	10
T. Richardson—St. Arnaud St., S. side, Lot 60, Plan 240, 138' 7"	2.16964	58.59	300.69	26.75	37.07	10
T. Richardson—St. Arnaud St., S. side, Lot 61, Plan 240, 138' 7"	2.16964	58.59	359.27	31.96	44.29	10
Peter Stokes—St. Arnaud St., S. side, Lot 62, Plan 240, 138' 7"	2.16964	58.59	359.27	31.96	44.29	10
Orville Deslippe—St. Arnaud St., S. side, Lot 63, Plan 240, 138' 7"	2.16964	58.59	359.27	31.96	44.29	10
Lenore Hogan—St. Arnaud St., S. side, Pt. Lot 64, Plan 240, 50'	2.16964	58.59	167.08	41.20	20.60	10
Howard Sprague—St. Arnaud St., S. side, Pt. Lot 64, Plan 240, 88' 7"	2.16964	....	192.19	26.75	23.69	10
Sarah Hobbs—St. Arnaud St., S. side, Pt. Lot 65, Plan 240, 69' 3½"	2.16964	58.59	208.92	37.18	25.76	10
Wm. Brown—St. Arnaud St., S. side, Pt. Lot 65, Plan 240, 69' 3½"	2.16964	58.59	208.92	37.18	25.76	10
Maurice Fleury—St. Arnaud St., S. side, Pt. Lot 66, Plan 240, 69' 3½"	2.16964	58.59	208.92	37.18	25.76	10
Gordon A. Scanlon—St. Arnaud St., S. side, Pt. Lot 66, Plan 240, 69' 3½"	2.16964	59.59	208.92	37.18	25.76	10
Carmine Simone—St. Arnaud St., S. side, Lot 67, Plan 240, 178' 2"	2.16964	....	386.54	26.75	47.66	10
A. Sunderland—St. Arnaud St., N. side, Pt. Lot 68, Plan 240, 155' 2"	2.16964	58.59	395.23	31.41	48.73	10
Henry J. Brown—St. Arnaud St., N. side, Lot 68, Plan 240, 56'	2.16964	....	121.50	26.75	14.98	10
Morris Burke—St. Arnaud St., N. side, Lot 69, Plan 240, 183' 6"	2.16964	58.59	456.72	30.69	56.31	10
Morris Burke—St. Arnaud St., N. side, Lot 70, Plan 240, 144' 6"	2.16964	....	135.51	26.75	38.65	10
Morris Burke—St. Arnaud St., N. side, Lot 71, Plan 240, 140' 7"	2.16964	....	305.01	26.75	37.61	10
Annie Skates—St. Arnaud St., N. side, Lot 72, Plan 240, 141' 3"	2.16964	58.59	365.06	31.87	45.01	10
Wm. E. Skates—St. Arnaud St., N. side, Lot 73, Plan 240, 139' 11"	2.16964	....	303.57	26.75	37.43	10
Loftus Deneau—St. Arnaud St., N. side, Pt. Lot 74, Plan 240, 47'	2.16964	58.59	160.56	42.13	19.80	10
Loftus Deneau—St. Arnaud St., N. side, Pt. Lot 74, Plan 240, 40'	2.16964	....	86.79	26.75	10.70	10
Fred Sunderland—St. Arnaud St., N. side, Pt. Lot 74, Plan 240, 53' 7"	2.16964	58.59	174.83	40.15	21.55	10
Hugh Abbott—St. Arnaud St., N. side, Lot 75, Plan 240, 137' 3"	2.16964	58.59	356.37	32.01	43.93	10
Town of Amherstburg—St. Arnaud St., N. side, Lot 76, Plan 240, 139' 3"	2.16964	58.59	360.71	31.94	44.47	10
E. Bizaire—St. Arnaud St., N. side, Lot 77, Plan 240, 139' 3"	2.16964	....	302.12	26.75	37.25	10

C. G. R. ARMSTRONG, C.E.

Windsor, Ontario,
January 14th, 1955.

CHAPTER 95

An Act respecting The Belleville General Hospital

Assented to March 31st, 1955
Session Prorogued March 31st, 1955

WHEREAS The Corporation of the City of Belleville Preamble by its petition has prayed for special legislation to provide for an increase in the membership of the Board of Governors of The Belleville General Hospital and to increase the quorum of the Board; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 4 of *The City of Belleville Act, 1948* is amended by striking out the word “fifteen” in 1948, c. 102, s. 4, subs. 1, amended the third line and inserting in lieu thereof the word “sixteen” and by inserting after the word “Association” in the eighth line the words “one shall be appointed annually by the Women’s Hospital Auxiliary of the Hospital;”, so that the subsection shall read as follows:

- (1) The management and control of the Hospital, Board of Governors including the power of making all appointments to the staff thereof, shall be vested in and exercised by a board of sixteen governors, of whom one shall be appointed by the Lieutenant-Governor in Council who shall hold office during his pleasure; one shall be appointed in accordance with the regulations under *The Public Hospitals Act*; two shall be appointed annually by the Association; one shall be appointed annually by the Women’s Hospital Auxiliary of the Hospital; one shall be appointed annually by the council of the County of Hastings; and eight shall be appointed by the council of the City of Belleville from ratepayers of the City; and the Warden of the County of Hastings and the Mayor of the City of Belleville shall *ex officio* be Governors. Rev. Stat., c. 307

(2) Subsection 6 of the said section 4 is amended by striking out the word “fifteen” in the fourth line and inserting in lieu thereof the word “sixteen”, so that the subsection shall read as follows: 1948, c. 102, s. 4, subs. 6, amended

Vacancies

- (6) Whenever, from any cause, the office of an appointed Governor becomes vacant prior to the expiration of his term of office, his successor shall be appointed without unnecessary delay so as to keep the membership of the Board up to sixteen, and the person so appointed shall hold office for the remainder of the term of the Governor whose place he is appointed to fill.

1948, c. 102,
s. 4, subs. 7,
amended

- (3) Subsection 7 of the said section 4 is amended by striking out the word "Seven" at the commencement thereof and inserting in lieu thereof the word "Nine", so that the subsection shall read as follows:

Quorum

- (7) Nine members shall constitute a quorum of the Board.

1948, c. 102,
s. 4, subs. 8,
amended

- (4) Subsection 8 of the said section 4 is amended by inserting after the word "Association" in the second line the words "or by the Women's Hospital Auxiliary," so that the subsection shall read as follows:

Absence of
members

- (8) Any member of the Board of Governors appointed by the Association, or by the Women's Hospital Auxiliary, or by the council of the Corporation, or the council of the County of Hastings, who is absent from four successive regular meetings of the Board shall cease to be a member of the Board unless he has obtained leave of absence from the body by which he was appointed.

Commence-
ment

2. This Act comes into force on the 1st day of May, 1955.

Short title

3. This Act may be cited as *The Belleville General Hospital Act, 1955*.

CHAPTER 96

An Act respecting the Town of Dunnville

Assented to March 31st, 1955
Session Prorogued March 31st, 1955

WHEREAS The Corporation of the Town of Dunnville Preamble
by its petition has prayed for special legislation in
respect of the matters hereinafter set forth; and whereas
it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. The purchases of the lands more particularly described Purchases
by Town
validated
in Registered Instruments Numbered 14073, 15259, 15260,
15263 for the Town of Dunnville, and Numbered 12460, 12461,
12465, 12462 and 12463 for the Township of Moulton, in the
Registry Office for the Registry Division of the County of
Haldimand, from Clarence Harold Dickhout and Doris Hazel
Dickhout (as to two parcels), Percival Robert Spencer and
Thelma Irene Spencer; Elizabeth Alice Grant; George Stanley
Chambers and Grace I. Chambers, and Grace I. Chambers,
respectively, to The Corporation of the Town of Dunnville
are ratified, confirmed, and declared to be legal, valid and
binding and each conveyance of the said lands to The Cor-
poration of the Town of Dunnville shall be deemed to have had
the effect of vesting the said lands in the Corporation in fee
simple, and the lands so purchased shall be deemed to have
been acquired for the purposes of the Corporation.

2. The conveyances by The Corporation of the Town of Conveyances
confirmed
Dunnville to Sylvania Electric (Canada) Ltd. of part of
Lots 12, 13, 14, 15 and 16, according to Registered Plan
Number 720 for the Town of Dunnville, and Lots 13, 14, 15
and 16, according to Plan Number 1037 for the Township of
Moulton, by deed dated the 13th day of February, 1953, and
registered as Number 15275 for the Town of Dunnville, and
Number 12482 for the Township of Moulton, in the Registry
Office for the Registry Division of the County of Haldimand,
are ratified, confirmed and declared to be legal, valid and
binding.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Town of Dunnville Act, 1955*.

CHAPTER 97

An Act respecting the Presbyterian Church in the Township of Eldon

*Assented to March 31st, 1955
Session Prorogued March 31st, 1955*

WHEREAS the Trustees of the South Eldon Congregation of the Presbyterian Church in Canada at the Township of Eldon and Christopher John Beckley, the incumbent, and the Presbytery of Lindsay of the Presbyterian Church in Canada by their petition have represented that under and by virtue of Letters Patent under the Great Seal of the Province of Canada, bearing date the eighth day of July, in the year of our Lord one thousand eight hundred and thirty-six, and mesne conveyances in pursuance of the terms of the Letters Patent the lands and premises referred to in section 1 were vested in the Trustees for the time being of the Presbyterian Church in Scotland at the Township of Eldon in trust to hold the same forever to and for the benefit of the Presbyterian Minister for the time being incumbent of the Presbyterian Church of Scotland erected in the Township of Eldon; and that the Presbyterian Church of Scotland is now the Presbyterian Church in Canada; and that the incumbent of the South Eldon Congregation of the Presbyterian Church in Canada at the Township of Eldon is also the incumbent of Knox Presbyterian Church at the Village of Woodville and resides in the manse at the Village of Woodville; and that it is onerous and impractical to maintain and keep in repair the manse of the South Eldon Congregation of the Presbyterian Church at the Township of Eldon; and that the South Eldon Congregation of the Presbyterian Church at the Township of Eldon have consented to the sale of the lands and premises; and whereas the petitioners have prayed for special legislation to authorize the sale of the said lands and premises; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Trustees for the time being of the South Eldon Congregation of the Presbyterian Church in Canada at the Township of Eldon shall have full power and authority to sell,

Power to
sell
certain
lands

dispose

dispose of and convey by public auction or private sale for such price in cash or payable in instalments or secured by mortgages or otherwise as the Trustees for the time being may deem reasonable all and every or any part of the lands and premises described as follows:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Eldon, in the County of Victoria and Province of Ontario and being composed of part of Lot Number Six, Concession Four, Township of Eldon, and more particularly described as follows:

COMMENCING at a point on the easterly boundary of Lot Six, distant northerly 172 feet from the south east angle thereof; thence northerly along the easterly boundary 158 feet to a point; thence westerly and parallel to the southerly boundary 2065 feet to a point; thence southerly and parallel to the easterly boundary 330 feet to the southerly boundary thereof; thence easterly along the southerly boundary 1806 feet to a point; thence northerly and parallel to the easterly boundary 172 feet to a point; thence easterly and parallel to the southerly boundary 259 feet to the place of beginning.

Vesting of
title free
of trust

2. A deed executed by such Trustees for the time being shall vest in the purchaser a full, clear and absolute title to the lands and premises conveyed by the deed, free from all trusts whatsoever contained in the Letters Patent.

Application
of purchase
money

3. The purchaser of such lands and premises or any part thereof shall not be bound to see to the application of the purchase money arising from a sale of such lands and premises or any part thereof.

Use of
proceeds
of sale

4. After payment of the expenses of obtaining this Act and all proper and reasonable costs, charges and expenses of effecting and carrying out such sale or sales, such Trustees for the time being shall hold the net proceeds thereof in trust for the South Eldon Congregation of the Presbyterian Church in Canada.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Eldon Presbyterian Church Act, 1955*.

CHAPTER 98

**An Act respecting Galt Hospital Trust and
South Waterloo Memorial
Hospital Incorporated**

*Assented to March 31st, 1955
Session Prorogued March 31st, 1955*

WHEREAS the petitioners by their petition have repre- Preamble
sented that the Galt Hospital Trust has ceased to carry
on business, has sold its buildings, paid its debts, and a new
hospital has been built by the City of Galt, the Town of
Preston, the Town of Hespeler, and the Township of North
Dumfries, known as the South Waterloo Memorial Hospital
Incorporated, and situate in the City of Galt; and whereas
it is expedient that a disposition should be made of certain
trusts and endowments, and of the balance of the assets of the
Galt Hospital Trust; and whereas the petitioners by their
petition have prayed for special legislation in respect of the
several matters hereinafter set forth; and whereas it is expe-
dient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. All wills and other instruments that have created or Instruments
creating
benefits
may hereafter create any benefits for or payable to the Galt
Hospital Trust or the Galt Hospital shall be construed and
take effect as if the words South Waterloo Memorial Hospital
Incorporated were substituted for the words Galt Hospital
Trust or Galt Hospital, as the case may be, in the will or
instrument.

2. Except as provided in section 3, all gifts, benefits, Vesting of
benefits
trusts, bequests and endowments, together with any un-
expended income therefrom in favour of or benefiting the Galt
Hospital Trust are hereby vested in the South Waterloo
Memorial Hospital Incorporated to the same extent and sub-
ject to the terms and conditions contained in the instrument
creating a gift, benefit, trust, bequest or endowment as if the
South Waterloo Memorial Hospital Incorporated was named
as beneficiary in the said instrument.

McCulloch
Memorial
Home

3. The income from the trust fund given for the purpose of the furnishing and upkeep of the building known as the McCulloch Memorial Home shall be used by the Trustees of the said fund for the upkeep and furnishing of the said building as long as the building is used for charitable purposes by a charitable institution as defined in *The Charitable Institutions Act* and if the said building ceases to be used by such a charitable institution for charitable purposes, the income from the said fund shall be paid to the South Waterloo Memorial Hospital Incorporated.

Rev. Stat.,
c. 49

Vesting of
real and
personal
property

4. Save and excepting the gifts, benefits, trusts, bequests and endowments set out in the preceding sections of this Act, all real and personal property and all other assets remaining in the hands of the Galt Hospital Trust are hereby vested in The Corporation of the City of Galt and become the absolute property of the Corporation.

Galt
Hospital
Trust
dissolved

5. The Galt Hospital Trust, a corporation incorporated under *An Act respecting Benevolent, Provident and other Societies*, being chapter 172 of the Revised Statutes of Ontario, 1887, is hereby dissolved.

Commence-
ment

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. This Act may be cited as *The Galt Hospital Trust and South Waterloo Memorial Hospital Incorporated Act, 1955*.

CHAPTER 99

An Act respecting the Township
of Gosfield South

Assented to March 31st, 1955
Session Prorogued March 31st, 1955

WHEREAS The Corporation of the Township of Gosfield South by its petition has prayed for special legislation to confirm and validate By-law No. 346 of the Corporation; and whereas it is expedient to grant the prayer of the petition; Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. By-law No. 346 of The Corporation of the Township of Gosfield South, set out as the Schedule hereto, is hereby confirmed and declared to be legal, valid and binding from the date of the passing of such by-law. Confirmation
of by-law

2. All conveyances by The Corporation of the Township of Gosfield South pursuant to By-law No. 346 are hereby ratified, confirmed and declared to be legal, valid and binding. Confirmation
of con-
veyances

3. This Act comes into force on the day it receives Royal Assent. Commence-
ment

4. This Act may be cited as *The Township of Gosfield South Act, 1955*. Short title

SCHEDULE

BY-LAW NO. 346

A by-law for the closing of part of the Highway known as the Front Road in the Township of Gosfield South, in the County of Essex.

WHEREAS it is desirable and expedient to divert and close a portion of the Highway in front of registered Plan No. 860 and a part of registered Plans Nos. 812 and 1274 in the Township of Gosfield South, in the County of Essex, from a line between Lots 3 and 4 according to registered Plan No. 1274 to a line between Lots 24 and 25 according to registered Plan No. 812, for which diversion land has been expropriated under by-law No. 345 in accordance with a plan of the township engineer;

AND WHEREAS due notice of this by-law has been published in the issues of the Kingsville Reporter, a paper published in the Town of Kingsville, County of Essex, aforesaid, on the 13th, 20th and 27th days of March and on the 3rd day of April, 1930, and also posted in six conspicuous places in the immediate neighbourhood of the aforesaid Highway for at least one month prior to the date of this by-law;

AND WHEREAS no objections to the said by-law have been presented to the Municipal Council of the Corporation of the Township of Gosfield South;

AND WHEREAS the Corporation of the said Township of Gosfield South intends to grant all its right, title and interest in the aforesaid portion of the Highway to be closed to the abutting land-owners immediately to the south of the said Highway and also to provide under the provisions of *The Municipal Act* and *The Local Improvement Act* a Highway of sixty-six feet (66') in width immediately to the north of the aforesaid portion of the Highway to be closed;

BE IT THEREFORE ENACTED by the Municipal Council of the Corporation of the Township of Gosfield South:

1. That all that part of the Highway as hereinafter described be and the same is hereby closed, namely:

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being in the Township of Gosfield South, in the County of Essex and Province of Ontario, being composed of part of the Front Road as shown on Registered Plans Nos. 812, 860 and 1274, and which said parcel or tract may be more particularly described as follows:

COMMENCING in the southerly limit of the present road and in the limit between Lots 24 and 25, as shown on Registered Plan No. 812; thence westerly, following the southerly limit of the present road to the limit between Farm Lots 22 and 23, which is also the limit between Registered Plans 812 and 860; thence northerly, following the limit between said Lots 22 and 23, nineteen feet (19') more or less, to the southerly limit of the road as shown on Registered Plan No. 860; thence westerly, following the southerly limit of the road as shown on Registered Plan 860, to the limit between Farm Lots 25 and 26, which is also the limit between Registered Plans 860 and 1274; thence continuing westerly, following the southerly limit of the Front Road as shown on Registered Plan No. 1274, to the limit between Lots 3 and 4, according to the last mentioned plan; thence north sixty-eight degrees ten minutes east (N. 68° 10' E.) to the limit between Farm Lots 26 and 25, at the northerly limit of the road shown on Registered Plan No. 860; thence north sixty-four degrees forty-two minutes east (N. 64° 42' E.) following the northerly limit of the said road three hundred and sixty-three feet nine inches (363' 9") more or less, to a post; thence north sixty-seven degrees twenty-seven minutes east (N. 67° 27' E.) eight hundred and nine feet ten inches (809' 10") more or less, to a post; thence north sixty-four degrees twenty-one minutes

east

east (N. 64° 21' E.) seven hundred and eighteen feet three inches (718' 3") more or less, to the northerly production of the limit between Lots 9 and 10, as shown on Registered Plan No. 860; thence north sixty-nine degrees twenty-three minutes east (N. 69° 23' E.) five hundred and fifty-six feet four inches (556' 4") more or less, to a post planted in the northerly production of the line between Lots 52 and 53, according to Registered Plan No. 812, and which said post is distant seventeen feet (17') measured northerly in the said production from the southerly limit of the present road; thence north sixty-four degrees twenty-one minutes east (N. 64° 21' E.) parallel with the southerly limit of the present road, and distant seventeen feet (17') measured northerly therefrom, eight hundred and ninety feet eleven inches (890' 11") more or less, to a post; thence north sixty-one degrees eleven minutes east (N. 61° 11' E.) two hundred and twenty-seven feet four inches (227' 4") more or less, to the limit between Lots 24 and 25, according to Registered Plan No. 812, and the place of beginning.

2. That the Corporation of the Township of Gosfield South shall compensate, and does hereby compensate, the aforesaid adjoining owners for depriving them of the means of ingress and egress to and from their lands and for the assessment to be imposed upon them under the said Local Improvement Act by granting and releasing, and does hereby grant and release and quit claim, unto the aforesaid adjoining landowners respectively all its estate, right, title and interest, claim and demand whatsoever both at law and in equity, that part of the aforesaid highway to the respective adjoining landowners equal to the frontage of the said adjoining landowners extending of even width to the northerly limit of that part of the aforesaid highway, which is hereby closed, and hereby authorizes the Reeve and the Clerk under the seal of the said Corporation to execute all necessary deeds and conveyances if requested, to better carry out the intention of this by-law.

3. This by-law shall not come into force and effect until the proposed diversion or new road above referred to is constructed and open for traffic as declared by a resolution of the Council.

Passed the 21st day of June, 1930.

Township of
Gosfield South
(Corporate Seal)

W. B. CLIFFORD,
J. H. COATSWORTH,
Reeve.
Clerk.

CHAPTER 100

An Act respecting the City of Hamilton

Assented to March 31st, 1955
Session Prorogued March 31st, 1955

WHEREAS The Corporation of the City of Hamilton Preamble
 by its petition has prayed for special legislation in
 respect of the matter hereinafter set forth; and whereas it is
 expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario,
 enacts as follows:

1. The Agreement made between The Corporation of the Agreement
 City of Hamilton and The T. Eaton Realty Company Limited with The
 dated the 17th day of February, 1955, set forth as the Schedule T. Eaton
 hereto, is hereby ratified and confirmed and declared to be Realty
 legal, valid and binding upon the parties thereto and the said Company
 parties are hereby empowered to carry out their respective Limited
 obligations and exercise their respective privileges thereunder. ratified

2. This Act comes into force on the day it receives Royal Commence-
 Assent. ment

3. This Act may be cited as *The City of Hamilton Act*, Short title
 1955.

SCHEDULE

THIS AGREEMENT dated the 17th day of February, 1955.

BETWEEN:

THE CORPORATION OF THE CITY OF HAMILTON
(hereinafter called "the City"),

OF THE FIRST PART,

—and—

THE T. EATON REALTY COMPANY LIMITED
(hereinafter called "the Company"),

OF THE SECOND PART.

WITNESSETH as follows:

1. The City agrees to sell to the Company and the Company agrees to purchase from the City the major portion of the Hamilton City Hall property at the north-west corner of James Street North and Market Square in the City of Hamilton and other properties to the north thereof, the said lands and premises being those described in Schedule "A" hereto annexed.

2. The City also agrees to grant to the Company certain rights, privileges and easements as described in paragraph 17 of this agreement.

3. Where the expression "the City Hall Property" is used hereafter it includes both the lands and premises referred to in paragraph 1 and the rights, privileges and easements referred to in paragraph 2.

4. The City Agrees as follows:

- (a) That a line drawn parallel to the westerly side of James Street North and distant Twelve feet (12') westerly therefrom, is hereby designated as the line which, before the time for closing any sale under this agreement, the City will establish as the new westerly limit of that part of James Street North between the southerly limit of lands now owned by the Company and Market Square.
- (b) That portion of a line drawn from the north-east corner of James Street North and King William Street, at right angles to the easterly side of James Street North, which lies between the above-mentioned new westerly limit of James Street North and the westerly limit of the City Hall Property, is hereby designated as the line which the City will establish as the northerly limit of Market Square before the time for closing any sale under this agreement.

5. The purchase price of the City Hall Property shall be the sum of Eight Hundred thousand dollars (\$800,000) payable by the Company to the City as hereinafter provided.

6. The Company and the City hereby agree that the Company will erect on substantially all the lands described in the said Schedule "A" a building to be used for retail merchandising purposes of the following size namely, a building having a floor area of 90,000 square feet including basement which is the equivalent of a three storey and basement building on all the said lands; provided that the erection of the said building shall be done in two stages, the first stage to be on the northerly eighty-three feet (83') or thereabouts of the City Hall Property and the second stage to be on the remainder of the City Hall Property; each stage to commence

within

within two years after the Company obtains vacant possession of the land on which the building for such stage is to be built and to proceed with reasonable dispatch subject to the Company being entitled to reasonable extensions of time for commencement or otherwise in the event of delay due to difficulty in obtaining essential materials or labour or because of fire, lightning, tempest, strikes, lockouts or other unavoidable casualties.

7. The City will use its best efforts to obtain legislation from the Ontario Legislature validating the entering into of this agreement and empowering the City to complete the sale of the City Hall Property in accordance with the terms hereof but the Company shall not be obliged to complete the purchase unless such legislation is obtained and in force on or before the 1st day of July, 1955, or on or before such later date, if any, as the Company may agree to in writing.

8. The sale and purchase shall be closed in two stages as follows:

- (a) The northerly eighty-three feet (83') thereof or thereabouts being all that part north of a line drawn at right angles to James Street North and distant eight feet (8') northerly from the most northerly portion of the City Hall building such northerly part being (hereinafter called "the Store Property").
- (b) The remainder of the City Hall Property (hereinafter called "the Remaining Property").

9. (a) The purchase of the Store Property shall be closed on the 30th day after the date on which the said validating legislation shall have come into force or on the first business day thereafter if such 30th day shall be a Saturday or Sunday or a public holiday. On closing the purchase of the Store Property the Company will pay the City by marked cheque forty per cent (40%) of the purchase price of the City Hall Property and at the time of such closing the Company will assume the existing tenancies of the Store Property provided the same are monthly tenancies and provided also that any portion of the Store Property occupied by the City shall be vacated by the City one month after closing.

- (b) The purchase of the Remaining Property shall be closed not later than five years after the date on which the said validating legislation shall have come into force and the City shall have the right to fix the closing date at a date within the said five year period by giving the Company not less than twelve months prior notice in writing. The City will give the Company vacant possession of the Remaining Property on closing and the Company will pay the City on closing, by marked cheque, the remaining sixty per cent (60%) of the purchase price of the City Hall Property.

10. (a) If any part of the City Hall Property is a public highway or public passageway or laneway the City will take all necessary steps to close the same to the public and to enable clear title thereto to be conveyed by the City to the Company at the time of closing each purchase.

- (b) If any sewers or drains or water pipes are located on the City Hall Property the same shall be removed and re-located at the expense of the City promptly after the Company closes the purchase of the part thereof on which the same are located.

11. The sale and purchase of lands and premises hereunder shall include all buildings and other improvements thereon and everything which is in law regarded as being permanently affixed thereto.

12. Deeds of the Store Property and the Remaining Property, including rights, privileges and easements to be granted pursuant hereto

shall

shall be delivered to the Company on the closing of the purchase to which each deed relates and each such deed shall be prepared and executed at the expense of the City and all costs of registration thereof and taxes payable upon such registration shall be paid by the Company.

13. (a) The Company shall pay taxes on the Store Property from the date of closing of its purchase and on the Remaining Property from the date of closing of its purchase.

(b) In the case of the Store Property rents shall be apportioned as of the date of closing.

14. The Company shall have thirty days from the date hereof, (subject to the obtaining of legislation as aforesaid) within which to search the title at its own expense and if within that time the Company shall make any objection to title which the City is unable or unwilling to remove and which the Company will not waive the Company's obligation to purchase hereunder will be null and void.

15. Notwithstanding any damage to or destruction of any building on the City Hall Property by fire or other hazard before closing, the Purchaser shall be required to complete the purchase herein but with a reduction in price equal to the increase in the net cost of demolishing such building due to lower salvage value as a result of such damage or destruction. Any insurance moneys payable as a result of such damage or destruction shall be paid to and retained by the City.

16. Promptly after closing each purchase hereunder the Company will at its own expense demolish all buildings on the lands to which such closing relates and at the time of closing each purchase hereunder the City will give the Company all necessary permits to enable it to demolish all buildings on the lands to which such closing relates and at the time of closing the purchase of the Remaining Property the City will also give the Company permission to demolish the small portion of the City Hall building which is not included in the Remaining Property.

17. The rights, privileges and easements hereinbefore referred to are as follows:

(a) The lands now owned by the Company on which a department store is situated, have appurtenant thereto in perpetuity certain rights, privileges and easements affecting or otherwise related to a strip of land approximately fifteen feet (15') wide lying immediately to the west of the lands on which the said department store is situated and extending from Merrick Street to the south-westerly angle of the said department store. The said rights, privileges and easements are set out in an agreement dated December 27, 1927, between the City and the T. Eaton Company Limited and registered in the Registry Office for the Registry Division of Wentworth as number 305296.

(b) The sale and purchase of the lands described in paragraph 1 pursuant to this agreement shall include the following:—

(i) The widening of the above mentioned fifteen foot (15') strip to twenty feet (20') throughout its entire length by adding a five foot (5') strip of land along the westerly boundary of the said fifteen foot (15') strip to make the total width twenty feet (20') and the granting by the City to the Company of rights, privileges and easements affecting or otherwise related to the said twenty foot (20') strip, of like nature to those now owned by the Company with reference to the said fifteen foot (15') strip.

(ii) The extension to Market Square of the above mentioned strip as widened to twenty feet (20'), by the granting by the City to the Company of rights, privileges and easements affecting or otherwise related to a strip of land twenty feet (20') wide lying immediately to the west of the lands described in paragraph 1 of like nature to those to be granted pursuant to sub-clause (i) of this clause (b).

(iii)

- (iii) The rights, privileges and easements to be granted pursuant to sub-clauses (i) and (ii) of this clause (b) shall be granted in such manner as to supplement and extend the rights, privileges and easements set out in the above mentioned agreement dated December 27, 1927, so that all such rights, privileges and easements shall be appurtenant in perpetuity to the lands described in Schedule "A" as well as to all lands now owned by the Company between the lands described in paragraph 1 and Merrick Street and every part thereof, and the said rights shall include the right for persons and vehicles to pass in and out of the said twenty foot (20') strip at the Merrick Street end and at the Market Square end; provided that after the expiration of five years from the closing of the sale of the Remaining Property the City may review the situation resulting from the passing of vehicles out of the said twenty foot (20') strip into Market Square and if the said situation has proved to be a hazardous one and no other solution can be found for substantially reducing such hazard the Company will stop the passing of its vehicles from the said strip into Market Square.
- (iv) Upon the granting of the Company of rights, privileges and easements pursuant to the provisions of sub-clauses (i) and (ii) of this clause (b) the Company shall surrender to the City the right conferred on the Company by paragraph 3 of the said agreement dated December 27, 1927, to have certain additional easements granted to it if the City closes certain parts of the Central Market Property.

18. Any notice which either of the parties hereto may desire or be required to give to the other with regard to any matter or thing herein contained shall be validly and effectually given if mailed by registered mail addressed, if intended for the City, as follows:—The City Clerk, City Hall, Hamilton, Ontario, and if intended for the Company as follows:—The T. Eaton Realty Company Limited, Executive Office, 190 Yonge Street, Toronto, Ontario, and every notice so given shall be deemed and taken to have been received on the day following the date on which it shall have been so mailed.

19. Time shall be of the essence of this agreement.

20. This agreement supersedes a previous agreement between the same parties with respect to the same matter and dated December 14th, 1954.

21. This agreement shall extend to, enure to the benefit of and be binding upon the parties hereto their successors and assigns.

IN WITNESS WHEREOF The T. Eaton Realty Company Limited has hereunto affixed its corporate seal attested by the hands of its proper officers and The Corporation of the City of Hamilton has also affixed its corporate seal attested by the hands of its proper officers.

SIGNED, SEALED AND DELIVERED

THE CORPORATION OF THE CITY OF
HAMILTON:

In the presence of:

L. D. JACKSON,
Mayor.

(Seal)

J. F. BERRY,
City Clerk.

THE T. EATON REALTY COMPANY
LIMITED:

O. D. VAUGHAN,
Vice-President.

(Seal)

W. PARK,
Secretary-Treasurer.

Schedule "A"

Schedule "A"

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Hamilton, in the County of Wentworth, and being composed of part of Andrew Miller's seven acre tract, and being more particularly described as follows:

COMMENCING at a point distant 12 feet measured on a course N. 72° 07' W. from the south-easterly corner of lands now owned by The T. Eaton Realty Company Limited on which is situated a Department Store, the said south-easterly corner being approximately 214 feet 11¼ inches south of Merrick Street measured along the west side of James Street North; thence along the southerly limit of the said lands now owned by the said Company on a course N. 72° 07' W. 138 feet 9 inches more or less to the south-westerly angle of the said lands now owned by the said Company; thence on a course S. 18° 06' W. being the production southerly of the westerly limit of the said lands now owned by the said Company a distance of 164 feet 2¾ inches more or less to a point where the said line intersects a line drawn from the north-east corner of James Street North and King William Street at right angles to the easterly side of James Street North, the said line having a course of N. 72° 00' W.; thence on a course S. 72° 00' E. a distance of 139 feet 3¾ inches more or less to a point distant 12 feet westerly from the westerly side of James Street North measured along the said last mentioned course; thence on a course N. 18° 00' E. 163 feet 7 inches more or less to the point of commencement.

SUBJECT to such minor variations, if any, in the said description as may be agreed to by The Corporation of the City of Hamilton and The T. Eaton Realty Company Limited upon completion of a survey of the said lands.

CHAPTER 101

An Act respecting The Incorporated Synod of the Diocese of Algoma

Assented to March 31st, 1955
Session Prorogued March 31st, 1955

WHEREAS The Incorporated Synod of the Diocese of Preamble
Algoma by its petition has represented that by section 8
of *An Act to incorporate the Synod of the Diocese of Algoma in*
connection with the Church of England in the Dominion of
Canada, being chapter 141 of the Statutes of Ontario, 1906,
it was authorized and directed to invest at interest all funds
held by it in trust in securities in which trustees may invest
trust funds under the provisions of *The Trustee Investment Act* R.S.O. 1897,
and amendments thereto, and in no other securities; and c. 130
whereas the Synod desires to be empowered to invest the
assets comprising the funds held by it in trust in such a
manner so as to obtain a greater diversity of investment and
an increase in the income derived therefrom; and whereas the
petitioner has prayed that special legislation be passed for
such purposes; and whereas it is expedient to grant the
prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. Section 8 of *An Act to incorporate the Synod of the* 1906, c. 141,
Diocese of Algoma in connection with the Church of England in s. 8, re-
the Dominion of Canada is repealed and the following sub-
stituted therefor:

8. The Synod,

Investment
of funds

- (a) shall invest at least 70 per cent of the book
value of the assets, now or hereafter com-
prising the funds held by it in trust, in
investments in which trustees are now or
may hereafter be authorized to invest trust
funds under *The Trustee Act*; and

Rev. Stat.,
c. 400

- (b) may invest up to 30 per cent of the book
value of such assets in investments in which
joint stock insurance companies and cash-

mutual

1953, c. 19

mutual insurance corporations are now or may hereafter be authorized to invest under *The Corporations Act, 1953*,

and may alter and vary such investments from time to time by substituting others of a like nature.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Incorporated Synod of the Diocese of Algoma Act, 1955*.

CHAPTER 102

An Act respecting the Town of Kincardine

Assented to March 31st, 1955
Session Prorogued March 31st, 1955

WHEREAS The Corporation of the Town of Kincardine, ^{Preamble} hereinafter called the Corporation, by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The purchase by the Corporation of the lands described in Schedule A, by deed dated the 6th day of May, 1954, and registered in the Registry Office for the Registry Division of the County of Bruce on the 8th day of June, 1954, as No. 13610 for the Town of Kincardine, is ratified, confirmed and declared to be legal, valid and binding, and the conveyance of such lands to the Corporation by such deed shall be deemed to have had the effect of vesting the lands in the Corporation in fee simple, clear of and free from all right and interest other than that of the Corporation, and the lands shall be deemed to have been acquired for the purposes of the Corporation. ^{Purchase of lands validated}

(2) The sale of such lands by the Corporation to Yale Rubber Manufacturing Company, hereinafter called the Yale Company, by deed dated the 11th day of January, 1955, and registered in the Registry Office for the Registry Division of the County of Bruce on the 27th day of January, 1955, as No. 13718 for the Town of Kincardine, is ratified, confirmed and declared to be legal, valid and binding, and the conveyance of such lands to the Yale Company by such deed shall be deemed to have had the effect of vesting such lands in the Yale Company in fee simple, clear of and free from all right and interest other than that of the Yale Company. ^{Sale validated}

2.—(1) The purchase by the Corporation of the lands described in Schedule B, by deed dated the 29th day of May, 1954, and registered in the Registry Office for the Registry ^{Purchase of lands validated}

Division of the County of Bruce on the 8th day of June, 1954, as No. 13608 for the Town of Kincardine, is ratified, confirmed and declared to be legal, valid and binding, and the conveyance of such lands to the Corporation by such deed shall be deemed to have had the effect of vesting the lands in the Corporation in fee simple, clear of and free from all right and interest other than that of the Corporation, and the lands shall be deemed to have been acquired for the purposes of the Corporation.

Sale
validated

(2) The sale of such lands by the Corporation to the Yale Company by deed dated the 11th day of January, 1955, and registered in the Registry Office for the Registry Division of the County of Bruce on the 27th day of January, 1955, as No. 13718 for the Town of Kincardine, is ratified, confirmed and declared to be legal, valid and binding, and the conveyance of such lands to the Yale Company by such deed shall be deemed to have had the effect of vesting such lands in the Yale Company in fee simple, clear of and free from all right and interest other than that of the Yale Company.

Sale of
lands
validated

3. The sale of the lands described in Schedule C by Frank A. Kling and Stewart Carmon Rowcliffe, carrying on business as partners under the firm name and style of "Kincardine Lumber Company" to the Yale Company, by deed dated the 14th day of January, 1955, and registered in the Registry Office for the Registry Division of the County of Bruce on the 27th day of January, 1955, as No. 13717 for the Town of Kincardine, is ratified, confirmed and declared to be legal, valid and binding, and the conveyance of such lands to the Yale Company by such deed shall be deemed to have had the effect of vesting such lands in the Yale Company in fee simple, clear of and free from all right and interest other than that of the Yale Company.

Power to
acquire
certain
lands

4.—(1) The Corporation may purchase the whole or any part of the lands acquired for the public purposes of the Province of Ontario and shown coloured red on a plan deposited in the Registry Office for the Registry Division of the County of Bruce on the 28th day of February, 1944, as No. 584.

Sale of lands

(2) The Corporation may at any time sell any lands acquired by the Corporation under subsection 1, and section 347 of *The Municipal Act* shall apply to any such sale.

Rev. Stat.,
c. 243

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Town of Kincardine Act, 1955*.

SCHEDULE A

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being, in the Town of Kincardine, in the County of Bruce and the Province of Ontario, and being composed of all of Lots Four (4) and Five (5) on the North side of Bruce Avenue and that part of Lot Three (3) on the North side of Bruce Avenue lying east of the easterly limit of the lands acquired for public purposes and shown outlined in red on a Plan on record in the Registry Office for the County of Bruce and known as Deposited Plan Number Five Hundred and Eighty-four (584), the said Lots being shown on Registered Plan Number Sixty-one (61) for the County of Bruce.

SCHEDULE B

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being, in the Town of Kincardine, in the County of Bruce and the Province of Ontario, and being composed of all of Lots Ten (10), Eleven (11), and Twelve (12) on the West side of Alice Street and that part of Lots Thirteen (13) and Fourteen (14) on the West side of Alice Street lying east of the easterly limit of the lands acquired for public purposes and shown outlined in red on a Plan on record in the Registry Office for the County of Bruce and known as Deposited Plan Number Five Hundred and Eighty-four (584), the said Lots being shown on Registered Plan Number Sixty-one (61) for the County of Bruce.

SCHEDULE C

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being, in the Town of Kincardine, in the County of Bruce and the Province of Ontario, and being composed of all of Lots Fifty-nine (59), Sixty (60), Sixty-one (61), Sixty-two (62), Sixty-three (63) and Sixty-four (64) on the West side of Queen Street and the North side of Bruce Avenue as shown on Registered Plan Number Sixty-one (61) for the County of Bruce.

CHAPTER 103

**An Act respecting the Kitchener-Waterloo
General Hospital**

*Assented to March 31st, 1955
Session Prorogued March 31st, 1955*

WHEREAS The Corporation of the City of Kitchener Preamble and The Corporation of the City of Waterloo by their petition have prayed for special legislation in respect of the Kitchener-Waterloo General Hospital as hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *An Act respecting the Kitchener-Waterloo General Hospital*, being chapter 150 of the Statutes of Ontario, 1924, c. 150, s. 3, re-enacted 1924, is repealed and the following substituted therefor:

3.—(1) The conduct of the affairs of the said hospital shall be vested in a commission of nine trustees to be known as the Kitchener-Waterloo Hospital Commission, to be appointed as follows: Conduct of affairs by Commission

- (a) Five members appointed by the council of the City of Kitchener;
- (b) Two members appointed by the council of the City of Waterloo;
- (c) The mayors for the time being respectively of the City of Kitchener and the City of Waterloo;

of the three members appointed by the council of the City of Kitchener in January, 1955, two shall hold office until the end of 1955 and one, to be named by such council, shall hold office until the end of 1956; after this section comes into force the council of the City of Kitchener shall appoint two new members who shall hold office until the end of 1957; the member appointed by the council of the City of Waterloo in January, 1955, shall hold office

until

until the end of 1956; after this section comes into force the council of the City of Waterloo shall appoint one new member who shall hold office until the end of 1957; subject to the foregoing, appointments of appointive members shall be for three-year terms and shall be made by the council of the City of Kitchener at its first meeting in each year and by the council of the City of Waterloo at its first meeting in each year in which there is a vacancy to be filled by such council; members shall hold office until their respective successors are appointed and the new commission is organized; a member shall be eligible for re-appointment; vacancies on the said commission from any cause may be filled by the appointing council at any time.

Representa-
tion of
County of
Waterloo

- (2) The County of Waterloo shall have the right to appoint a tenth member of the commission so long as it shall contribute to the maintenance and support of the said hospital an annual sum of not less than \$1,000.

1924, c. 150,
ss. 6, 7, 11,
amended

2. Sections 6, 7 and 11 of the said *An Act respecting the Kitchener-Waterloo General Hospital* are amended by striking out the word "Town" wherever it appears therein and inserting in lieu thereof in each instance the word "City".

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Kitchener-Waterloo General Hospital Act, 1955*.

CHAPTER 104

An Act respecting the City of London

Assented to March 31st, 1955
Session Prorogued March 31st, 1955

WHEREAS The Corporation of the City of London Preamble
by its petition has prayed for special legislation in
respect of the matters hereinafter set forth; and whereas it is
expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and
consent of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. The Corporation of the City of London is declared to be Lands in Township of London
authorized and empowered, and to have been authorized and
empowered, to hold, sell and dispose of surplus lands acquired
in the Township of London in assembling a block of land for
park purposes and to do all things necessary to sell and dispose
of such lands to best advantage, including the registration of
plans of subdivision.

2.—(1) The Corporation is authorized and empowered to Use of untravelled portions of highways
lease or license the use of untravelled portions of highways
within those portions of the City of London zoned for business
or industrial purposes to adjoining property owners for such
consideration and upon such terms and conditions as may be
agreed.

(2) The Corporation is authorized and empowered to pass Idem
by-laws regulating and controlling the use of such portions of
highways within the City of London, including the use thereof
for parking purposes.

(3) This section does not apply to the portions of any Application to provincial highways
highways that are extensions or connecting links of the King's
Highway.

3.—(1) The application and use by the Corporation for Sinking fund surpluses
the general purposes of the Corporation or of any local board
thereof of sinking fund surpluses, which heretofore existed in
respect of by-laws the debentures under which have been
paid off and retired and no other liability exists, is authorized,
ratified and confirmed.

Order of
Municipal
Board
set aside

(2) Order No. P.F.M.-1412 of the Ontario Municipal Board made on the 22nd day of January, 1954, set forth as Schedule A hereto, and the by-law of the Corporation referred to therein are vacated and set aside, and shall be of no further force or effect. In substitution therefor the fund referred to therein and all interest and accretions thereto shall be set aside as to \$63,924.26 for public school purposes, as to \$14,035.25 for collegiate institute purposes and as to \$4,947.07 for technical school purposes, and the remainder shall be transferred to the general funds of the Corporation. All or any of such sums so set aside for educational purposes shall be paid to the Board of Education for the City of London for such purposes upon its requisition which shall in each case set forth the specific use to which the same is to be put.

Authority
to carry out
provisions

(3) The Corporation is authorized and empowered to carry out the provisions of this section notwithstanding any general or special Act and none of the penalties or liabilities provided by any Act shall apply thereto.

Proceedings
prohibited

(4) No motion, suit, action, proceeding or prosecution of any kind shall be instituted, brought, prosecuted or hereafter continued in respect of any of the matters referred to in this section, including any debenture, debenture money, sinking fund, interest, income or levy or the application, payment or disposition thereof, provided nothing herein shall apply to the enforcement of the provisions of subsection 2 hereof.

Nomination
day

4. Nomination day for municipal elections in the City of London shall hereafter be the third Wednesday before the first Monday in December in each year.

Agreement
confirmed

5. The Agreement between the Corporation and Western Fair Association bearing date the 18th day of January, 1955, set forth as Schedule B hereto, is ratified and confirmed and the parties thereto are authorized and empowered to carry out the terms thereof.

Agreement
confirmed

6. The Agreement between the Corporation and Covent Garden Building Association bearing date the 18th day of January, 1955, set forth as Schedule C hereto, is ratified and confirmed and the parties thereto are authorized and empowered to carry out the terms thereof.

1954,
c. 115, s. 7,
subs. 1,
amended

7. Subsection 1 of section 7 of *The City of London Act, 1954* is amended by striking out the symbol and figures "\$20,000" in the third line and inserting in lieu thereof the symbol and figures "\$26,000", so that the subsection shall read as follows:

- (1) The Corporation of the City of London is empowered to expend from current revenue of the years 1954 and 1955 a sum not exceeding in all \$26,000 for the purposes of celebrating the Centennial of the City's incorporation, such expenditure to be made by the Corporation or through a company or corporation incorporated under *The Companies Act* and controlled through the council of the Corporation.

Expenditures
for
centennial

Rev. Stat.,
c. 59

8. Section 16 of *The City of London Act, 1951* is amended by adding thereto the following subsection:

1951,
c. 107, s. 16,
amended

- (2) Any lands acquired under the provisions of this section or under the provisions of *The Municipal Act* for parking purposes may be leased in whole or in part for parking purposes for periods not exceeding five years upon such terms and conditions as the council of the Corporation deems proper.

Leasing of
lots
Rev. Stat.,
c. 243

9. Section 8 of *The City of London Act, 1950* is amended by inserting after the word "throughout" in the fourth line the words "the City of London", so that the section shall read as follows:

1950,
c. 105, s. 8,
amended

8. The Corporation of the City of London is hereby authorized and empowered and declared to have had the authority and power to acquire, use, hold and dispose of lands, premises, buildings and equipment throughout the City of London, the County of Middlesex and the County of Elgin for the purposes of or in any way used in connection with the operation of The London & Port Stanley Railway or the advancement of the business thereof.

Powers for
purposes of
L. & P.S.
Railway

10.—(1) Section 8 of *The City of London Act, 1913* is amended by striking out the words "as an electric or steam road" in the seventh line, so that the section shall read as follows:

1913, c. 103,
s. 8,
amended

8. The Corporation of the City of London, if the By-law referred to in section nine of this Act be passed, may lease The London and Port Stanley Railway from The London and Port Stanley Railway Company upon terms to be agreed upon between the said Corporation and Company, and the said Corporation may construct and equip the said railway as the Council of the said Corporation may by by-law determine, and may, if the Council of the said Corporation shall by by-law so determine, operate the said railway by a commission to be constituted as hereinafter provided.

Power to
lease London
and Port
Stanley
Railway

1913,
c. 103, s. 14,
subs. 2,
re-enacted

(2) Subsection 2 of section 14 of *The City of London Act, 1913* is repealed and the following substituted therefor:

Persons to
be appointed
as com-
missioners

- (2) The persons to be appointed by the Council of the Corporation as commissioners shall be those persons who hold the office of Public Utilities Commissioners for the City of London and such persons shall hold office only so long as they hold office as Public Utilities Commissioners.

Vacancies

- (3) Vacancies in the office of commissioners shall be filled forthwith by the Council of the Corporation and a commissioner appointed to fill a vacancy shall hold office for the unexpired term of the commissioner whose place has become vacant.

Commence-
ment

11. This Act comes into force on the day it receives Royal Assent.

Short title

12. This Act may be cited as *The City of London Act, 1955*.

SCHEDULE A

P.F.M.-1412

THE ONTARIO MUNICIPAL BOARD

Friday, the Twenty-second day of February, A.D. 1954.

BEFORE:

C. F. NUNN,

—and—

W. GREENWOOD, B.Sc.,

Members.

IN THE MATTER OF Section 318 of
“The Municipal Act” (R.S.O.
1950, Chapter 243), and

IN THE MATTER OF a By-law of The
Corporation of the City of London
passed on the Sixth day of July,
A.D. 1953, as Number A-3081-187
to authorize the transfer of
\$105,370.95 to the general funds of
the municipality from sinking fund
surpluses.

UPON THE APPLICATION of The Corporation of the City of London for an order approving the transfer from sinking fund surpluses by the Treasurer of the Municipality to the general funds of the Municipality of the sum of \$105,370.95, in the presence of Counsel for the Corporation and of Counsel on behalf of The Board of Education for the City of London and of Counsel on behalf of an interested group of citizens, and upon hearing the evidence adduced and what was alleged by Counsel aforesaid, and it appearing that the sum in question was made up of sinking fund surpluses standing in debenture accounts in respect of the following debentures and amounts:

Debentures issued pursuant to By-law Number 3539	
—surplus.....	\$ 167.56
Debentures issued pursuant to By-law Number 3703	
—surplus.....	488.08
Debentures issued pursuant to By-law Number 3753	
—surplus.....	122.27
Debentures issued pursuant to By-law Number 4098	
—surplus.....	1,174.47
Debentures issued pursuant to By-law Number 4295	
—surplus.....	6,404.37
Debentures issued pursuant to By-law Number 4296	
—surplus.....	6,324.68
Debentures issued pursuant to By-law Number 4297	
—surplus.....	5,100.45
Debentures issued pursuant to By-law Number 4504	
—surplus.....	3,155.22
Debentures issued pursuant to By-law Number 4791	
—surplus.....	1,936.20
Debentures issued pursuant to By-law Number 4793	
—surplus.....	23,832.17
Debentures issued pursuant to By-law Number 4946	
—surplus.....	30,542.76
Debentures issued pursuant to By-law Number 5026	
—surplus.....	2,164.68
Debentures issued pursuant to By-law Number 4792	
—surplus.....	1,839.31
Debentures issued pursuant to By-law Number 4802	
—surplus.....	12,895.20
Debentures issued pursuant to By-law Number 5024	
—surplus.....	3,085.72
Debentures issued pursuant to By-law Number 4918	
—surplus.....	6,137.81
(Seal) Total.....	\$105,370.95

and

and it appearing that the debentures issued pursuant to the said by-laws have for some time been fully paid and satisfied:

1. IT IS ORDERED that this Board do approve of the transfer by the Treasurer of The Corporation of the City of London of the said sum of \$105,370.95 to the general funds of the Municipality, as approved by the Council of The Corporation of the City of London as appears by said By-law Number A-3081-187.

2. AND IT IS FURTHER ORDERED that there be no costs of this application except as to the sum of \$10, the Board's fee now paid by The Corporation of the City of London.

"W. J. MOORE",
Vice-Chairman.

SCHEDULE B

THIS AGREEMENT made (in duplicate) this 18th day of January in the year of our Lord one thousand nine hundred and fifty-five.

BETWEEN:

THE CORPORATION OF THE CITY OF LONDON
(hereinafter called the City),

OF THE FIRST PART,

—and—

WESTERN FAIR ASSOCIATION (hereinafter called
the Association),

OF THE SECOND PART.

WHEREAS the Association was incorporated by special Act of the Legislature of the Province of Ontario, being Chapter 89, Ontario, 1887, which has been amended from time to time by other Acts passed by the said Legislature;

AND WHEREAS the Association since its incorporation as aforesaid has conducted, from time to time, an exhibition in the City of London known as Western Fair;

AND WHEREAS the City owns certain lands within the City of London upon which are constructed buildings and other structures which are suitable for the conduct of the Western Fair, which the City has, from time to time, by license permitted the Association to use for its purposes aforesaid;

AND WHEREAS the Association owns certain lands within the City of London adjoining the lands of the City aforesaid upon which are constructed buildings and other structures suitable for the conduct of the Western Fair;

AND WHEREAS the Association is indebted to the City in the sum of \$89,000.00 with interest at $3\frac{1}{4}\%$ from the 31st day of December, 1954;

AND WHEREAS the Association claims that under and by virtue of a certain Agreement made between the parties hereto and dated the 9th day of November, 1888, the Association has an equity in the lands owned by the City as aforesaid amounting to the sum of \$8,900.00;

AND WHEREAS the Association further claims that under and by virtue of an Agreement dated the 6th day of September, 1887, made between the Association, the City and the East Middlesex Agricultural Society, therein called "the Society" whereby the Society in accordance with the terms of such Agreement became entitled to payment from the Association of the sum of \$4,000.00, the funds of the Society having been invested in the lands owned by the City as aforesaid, and such sum of \$4,000.00 having been paid by the Association to the Society as prescribed by such Agreement on or about the 19th day of May, 1947, the Association is further entitled to an equity of an additional \$4,000.00 in the lands owned by the City as aforesaid;

AND WHEREAS the City and the Association have agreed that the said indebtedness of \$89,000.00 less the aforesaid equities of the Association of \$8,900.00 and \$4,000.00 respectively applicable against the same shall be paid by the Association to the City in the manner in this Agreement prescribed;

AND WHEREAS it is deemed to be in the interest of all of the residents and ratepayers of the City of London that an annual exhibition similar to

that

that carried on in the past and known as the Western Fair should be conducted and that the said lands, buildings and structures be put to the further uses hereinafter set forth throughout the year and the Association is able and willing to undertake the conduct of such exhibitions and to superintend the further uses of such lands, buildings and structures;

AND WHEREAS it is deemed expedient for the City and the Association to enter into this agreement;

NOW THEREFORE THIS AGREEMENT WITNESSETH that the City and the Association, in consideration of the covenants and agreements on behalf of each of them respectively to be observed and performed, have covenanted and agreed as follows:

1. The City shall forthwith demise and lease to the Association the lands now owned by the City upon which the Western Fair has been conducted in the past, all of which lands shall be fully and particularly described in the said lease, upon the following terms and conditions, that is to say:

- (a) The Association shall have possession and control of the said lands and premises, buildings, structures and equipment and the superintendence thereof for the following purposes and with the following rights, privileges and obligations:
 - (i) To promote, produce and hold the annual exhibition commonly known as the Western Fair and for this purpose to exclude the general public from the free use of the said lands, buildings, structures and equipment during the holding of the exhibition and for a reasonable time before and after the same for the purpose of preparing for and clearing away after the holding of the said exhibition. Such exhibition shall be of not less than six continuous days' duration and of as much greater duration as the Association may from time to time decide; provided that in the event of war or other national emergency the Association may, if it be deemed advisable so to do, refrain from conducting such an exhibition in any year so long as such emergency exists and for a period of not more than one full year after the cessation thereof; the holding of such exhibition will be prominently advertised and publicized to the end that it may bring people to the City of London to view the same and thereby promote interest in and business in the City of London; the Association shall offer to exhibitors at each such exhibition prizes having a total value of not less than \$15,000.00 and such greater amount as the Association may deem suitable from time to time.
 - (ii) Subject to the foregoing, to permit with or without charge the use of the said lands, buildings, structures and equipment for temporary exhibitions, circuses, entertainments, races and such other temporary uses of the same as may be considered proper by the Association for the entertainment, education or advancement of inhabitants of the City of London and surrounding municipalities, provided no use of the said lands shall be made or be permitted which shall in any way violate any by-law of the City now or hereafter passed.
 - (iii) To promote the use and make available to the general public, with or without an admission charge which shall be a matter to be determined by the Association, the buildings and structures for the purpose of agricultural displays and exhibitions, entertainments, sports, education and the advancement of agriculture, horticulture, and animal husbandry.
 - (iv) When the said lands are not in use for the purpose aforesaid, to permit the general public the use of the same as a public

park and recreation area; provided there shall be no right for the general public to use the buildings or structures on the premises, and the said lands, buildings and structures will be under the control of the Association.

- (b) The Association shall be entitled to erect, at its own expense upon the said lands, such buildings and other structures from time to time as it may consider necessary for its purposes and objects as the same may exist from time to time, and to enlarge, alter and remodel any existing building or structure at present erected or at any time standing upon the said lands, and also, if deemed advisable, for its purposes, to remove, wreck or demolish the same; provided always that if the erection, enlargement, alteration, or remodelling of any building shall be at a cost in excess of \$25,000.00 or if it be intended to remove, wreck, or demolish any building or structure the value of which exceeds \$10,000.00 nothing shall be done pursuant to the provisions of this paragraph without first having obtained the approval and consent of the City, to be given in writing, and subject to such terms and conditions as may be therein contained; whenever any such building or structure is erected, enlarged, altered or remodelled the whole shall be the property of the City without remuneration to the Association.
- (c) The Association shall, at all times, at its own expense, keep all buildings, structures, equipment and improvements upon the said lands from time to time in a proper and reasonable state of repair, condition and appearance, and shall maintain the grounds in proper condition to the satisfaction of the City. Provided, however, that the City shall at its own expense maintain and keep in repair the streets and roadways throughout the grounds, and a lighting system as would be usual for park purposes only, and all curbs, gutters, pavements, storm and sanitary sewers (but not private drain connections) and watermains and shall maintain that part of the grounds comprising the front portion thereof originally known as Queen's Park (and which is that part roughly lying north of the Manufacturers' Building) in such manner as it may in its sole discretion consider proper.
- (d) There shall be maintained at all times upon the buildings and structures insurance against loss by fire or other casualty and insurance protecting both parties to this agreement against all public liability, such insurance to be placed by the City at its own expense. In the event of damage to the buildings or structures by fire or other casualty, exceeding in value the sum of \$25,000.00, the proceeds of such insurance shall be paid to the City but with the City's approval and consent may be made available to the Association for the purpose of rebuilding damaged buildings or structures or constructing other buildings or structures upon the demised lands, and if the damage shall not exceed \$25,000.00 the proceeds of such insurance shall be made available to the Association as the damaged buildings or structures are repaired or reconstructed.
- (e) The Association shall pay to the City the annual sum of \$5.00 payable at the beginning of each year of the said term in advance.
- (f) Such lease shall include the provisions of *The Short Forms of Leases Act*, save as herein varied or as may not be inconsistent herewith, and such lease shall be in a form approved by the Solicitor for the City and for the Association; such lease shall provide that the Association shall pay all taxes now or hereafter assessed against such lands.
- (g) The term of the said lease shall be for a period of 20 years dating from the time the lease is entered into, and renewable if so mutually agreed upon, and upon such terms and conditions as may be determined.

2. The Association shall not erect any buildings on those parts of York Street, King Street and Ontario Street, closed under the provisions of By-law No. S-115-33, without the prior approval in writing of the City and such portions of such streets are hereby declared to be the sole property of the City.

3. That the agreement between the City and the Association, dated February 8, 1950, is hereby rescinded and declared to be of no force or effect.

4. The Association covenants with the City to repay to the City the sum of \$89,000.00 indebtedness hereinbefore referred to on account of the principal amount of which the sum of \$12,900.00 aggregating the equities of the Association in the lands owned by the City as hereinbefore referred to shall be applied leaving a principal balance of \$76,100.00 which shall bear interest from the 31st day of December, 1954, at the rate of 3½% per annum calculated from that date and payable yearly, and the balance of the principal amount of such indebtedness, namely the said sum of \$76,100.00 shall be paid in the manner following, that is to say, namely: \$4,100.00 upon the execution of this Agreement and \$4,000.00 upon the 31st day of December in each year until the said indebtedness shall have become fully paid and satisfied. The Association shall, if demanded, secure the repayment of the said sum and the interest thereon by First Mortgage in long form to be approved by the solicitor for the City upon the lands now owned by the Association or in any way held in trust for it or in which it may be interested as well as upon the interest of the Association in the said lease if and when executed.

5. Paragraphs 3 and 4 of this Agreement shall be effective forthwith, but the remainder thereof shall not come into force or take effect or be binding upon the parties, unless and until the parties hereto shall be authorized and empowered by a new Act of the Legislature of Ontario to enter into and carry out the terms and conditions hereof; and upon such authorization and power being granted, and becoming effective, such provisions hereof shall come into force and take effect.

IN WITNESS WHEREOF the parties hereto have hereunto caused to be affixed their corporate seals attested by the hands of their proper officers.

SIGNED, SEALED AND DELIVERED

In the presence of:

(Seal) ANNA COOMBS

ANNA COOMBS

THE CORPORATION OF THE CITY OF LONDON

(Seal) A. J. RUSH, *Mayor.*
R. H. COOPER, *Clerk.*

WESTERN FAIR ASSOCIATION

(Seal) I. B. WHALE, *President.*
W. D. JACKSON, *Manager.*

SCHEDULE C

THIS AGREEMENT made this 18th day of January, in the year of our Lord one thousand nine hundred and fifty-five.

BETWEEN:

THE CORPORATION OF THE CITY OF LONDON (hereinafter called the City),

OF THE FIRST PART,

—and—

COVENT GARDEN BUILDING INCORPORATED, a corporation formed under the laws of the Province of Ontario, and having its head office in the City of London, in the Province of Ontario (hereinafter called the Corporation),

OF THE SECOND PART.

WHEREAS *The City of London Act, 1952*, section 3, subsection (1) as amended by *The City of London Act, 1954*, section 6, subsection (1) provides as follows:

“3. (1) Without limiting any of the powers of the Corporation, the Council of the Corporation is authorized and empowered to pass by-laws, with the approval of the Ontario Municipal Board, for all or any of the following purposes:

- (a) to rent or license the use of any or all of the Market Square in the City of London for market purposes, upon such terms and conditions, and for such rental or license fee, as to the council may appear proper, provided no term of rental or license shall exceed one year;
- (b) when, in the opinion of the council, any or all portions of the Market Square are not required for market purposes, to provide at such fee or charge as to the council may appear proper, spaces for parking of vehicles, and to provide parking meters or other means of collecting such fee or charge, and to govern and regulate such parking, and to impose penalties for infractions thereof as to the council may appear proper, and for this purpose the Corporation shall have all the powers, privileges and immunities *mutatis mutandis* provided under paragraph 7 of section 486 of *The Municipal Act*;
- (c) notwithstanding any other Act, to set aside for market purposes, on such days and times as to the council may appear proper, public highways adjoining the Market Square, or any parts thereof, and to provide for such fee or charge therefor as to the Council may appear proper, and to provide parking meters or other means of collecting such fee or charge, and to govern and regulate such use of such portions of such highways and to impose such penalties for infractions of such regulations as to the council may appear proper, and for this purpose the Corporation shall have all the powers, privileges and immunities *mutatis mutandis* provided under paragraph 7 of section 486 of *The Municipal Act*;
- (d) with the approval of the ratepayers of the Corporation entitled to vote on money by-laws, to construct a building or buildings upon the Market Square, which building or buildings shall be used for market purposes and may incorporate storage facilities, retail stores and parking facilities for vehicles, and to govern and regulate the use of such building and to impose such penalties for infractions of such regulations as to the council may appear proper;

(e)

- (e) to lease any or all of the Market Square for a period not exceeding thirty years to a private, non-profit corporation formed by local business men for the purpose of erecting thereon a combined Market and Parking Building at no cost to the corporation but upon such terms and conditions and with such remuneration to the Corporation as may be mutually agreed upon by the Corporation and the non-profit corporation, provided the building shall be given to the City of London, without charge, and free of all encumbrances on the expiration of the said lease, or as soon as the cost of the building and operating expenses are recovered from the revenue therefrom, whichever shall first happen."

AND WHEREAS the Corporation has been incorporated as a private corporation under the laws of the Province of Ontario, the Directors and Members of which are nine local businessmen;

AND WHEREAS "Market Square" in this agreement comprises lands and premises in the said City of London described as follows: Being composed of Lots Numbers Fifteen, Fourteen, Thirteen and part of Twelve (and being parts of Lots A, B, One, Two, Seven and Eight as shown on Plan registered as Number 160) on the north side of King Street and parts of Lots Numbers Fifteen, Fourteen, Thirteen and Twelve, south Dundas Street, in the said City of London, more particularly described as follows: Commencing at the intersection of the northerly limit of King Street with the easterly limit of Talbot Street; thence easterly along the northerly limit of King Street, four hundred point eight feet to a point; thence northerly parallel to the easterly limit of Talbot Street, two hundred and one feet, ten inches; thence westerly parallel to the northerly limit of King Street, four hundred point eight feet, more or less, to the easterly limit of Talbot Street; and thence southerly along the easterly limit of Talbot Street, two hundred and one feet, ten inches, more or less, to the place of beginning;

AND WHEREAS the Corporation is desirous of erecting on the market square, in the said City of London, a Market and Parking Building, without cost to the City, and to provide that the said building shall be given to the City, without charge and free from all encumbrances, at the end of thirty years, or at such earlier date as the cost of the building and operating expenses are recovered, as herein more particularly provided;

AND WHEREAS for such purpose the Corporation is desirous of procuring from the City a lease of the said market square;

NOW THIS AGREEMENT WITNESSETH that in consideration of the premises each of the parties hereto, for themselves, their successors and assigns, covenant and agree as follows:

1. The Corporation covenants that it is a non-profit corporation formed under Part III of *The Corporations Act, 1953* the Members of which are all business men of the City of London and are as follows: W. E. Mara, J. A. Anderson, W. H. McCrae, Paul Smith, E. V. Rippingille, Jr., Isaac Siskind, C. E. Isard, W. E. Young and Joseph Jeffery, which said Members, and two Council Members to be appointed, are all the Directors of the Corporation.

2. The City agrees that upon the execution of this agreement the City will contract with no licensee, tenant, occupant or other person for occupation of any part of the market square beyond an occupancy of monthly duration.

3. The City agrees to give possession of the market square to the Corporation, subject to any unexpired tenancies—

- (a) When the Corporation tenders evidence to the satisfaction of the Council of the City that the financing of the said building is substantially completed, and

- (b) Upon the Corporation delivering to the City a bond securing the due completion of the building at the time and in the manner provided herein, said bond to be in the amount of fifty per cent of the contract price for completion of the building and equipment, in a form approved by the solicitor of the City, and
- (c) Upon the execution by the Corporation of the lease herein referred to.

If the Corporation shall not comply with the provisions of this section within six months of this agreement coming into effect, this agreement shall be of no further force or effect.

4. Upon compliance with the provisions of section 3 (a), (b), and (c) the City agrees to proceed to terminate all licenses, tenancies and other rights of the present occupants of the market square.

5. The Corporation agrees that on obtaining possession of the market square, it will raze and tear down, at its own expense, the buildings now on the market square, save the structure known as "Chancey Smith's" and the market parking office which is the property of the City, and will construct thereon a Market and Parking Building substantially in accordance with the plans drawn by the Engineer of the Corporation, which plans are attached hereto as schedule "A" and initialled by the proper officers of the parties hereto, and as may be altered by mutual agreement. Road and sidewalk grades shall be approved by the City Engineer.

6. The City agrees that the Corporation shall retain and convert to its own use the salvage obtained from the buildings razed and torn down as provided in the preceding paragraph hereof, provided that the buildings hereinbefore referred to shall not include the market parking office or the structure known as "Chancey Smith's", in respect of which the City shall forthwith, on the Corporation's compliance with Section 3, give notice to remove.

7. The Corporation agrees that the Market and Parking Building to be erected shall be completed eighteen months after the date when possession of the market square is given to the Corporation, provided that in the event of strikes, lockouts, fire, unavoidable delay by common carriers, or unavoidable casualties or acts of God the time for completion shall be extended for a time equivalent to that of the delay occasioned by such causes. The Corporation agrees that any construction contracts let with regard to construction or repair of the said building shall contain the usual local labour clauses.

8. The Corporation agrees not to remove or alter the location of any sewer, wire, cable or other utility during the construction of the said building without the consent, in writing, of the City; such work to be done without expense to the City or of The Public Utilities Commission thereof. The Corporation will arrange for the movement of the cable or cables of The Bell Telephone Company without expense to the City. The Corporation will pay for work necessitated by the construction of the building for curb and gutter and sidewalk on Talbot and King Streets, sidewalks, curb and gutter on the north and east sides of the building. The cost of grading and paving fire lane and Temple Street will be shared as to one-half by each of the parties hereto.

9. The City agrees to grant, and the Corporation agrees to lease, the market square for the term of thirty years from the date of delivery of possession of the said market square at the yearly rental of Ten thousand dollars, payable in equal quarterly payments, the first payment to be three months after the execution of the said lease, and the payment for the last quarter of the term to be made one month prior to the expiration of the lease or prior to its termination. The lease is to be drawn in accordance with this agreement, and shall contain the provisions of *The Short Forms of Leases Act*, and the covenants hereinafter contained.

10. The following clauses shall be deemed to be terms of this agreement and shall also be incorporated in the lease to be given pursuant to the terms hereof:

(a)

- (a) Upon the completion of the construction of the Market and Parking Building the Corporation agrees to operate the said building in a proper and businesslike manner for such purposes and at its own expense;
- (b) That part of the building to be known and designated as the parking area shall be used only for that purpose and the Corporation shall have the sole right to set the fee or charge for parking in the said area, and the manner in which and by which cars and vehicles of all descriptions may be parked and stored in the said area;
- (c) That part of the said building known as the Market area shall be used only for that purpose and the Corporation shall fix the rental for areas to be occupied by dealers and shall generally control the facilities for and the manner in which goods, wares, and merchandise may be sold, provided that the Corporation shall be subject to reasonable rules and regulations of the City designed for the comfort and protection of the public and to assure that such area is made available for the usual market purposes;
- (d) When either area is not in demand for the designated purposes such purposes may be interchanged;
- (e) The Corporation shall provide, equip and maintain within the area so marked on the said plans and specifications marked as Schedule "A" a comfort station comprising separate toilet and washing facilities for men and women; such facilities to be available for public use generally during such days and hours as are now maintained by the City for its comfort station. The Corporation will, at all times, at its own expense, properly heat the same and keep the same clean and in good order, all to the satisfaction of the City Engineer or The Department of Health of the City of London;
- (f) The Corporation agrees that no revenue received by the Corporation from the operation of the said building shall be expended for any other purpose than for the necessary operational expenses, repairs, improvements, etc., of the building and for the purpose of retiring the bonds, debentures and other forms of indebtedness and interest thereon and incurred for such building. Any surpluses shall be used for the said purposes and no dividends shall be paid. If at the time of turning over the building to the City any surpluses exist, the same shall be paid to the City after providing for debts and the cost of winding up the Corporation;
- (g) The Corporation agrees that no fees, wages or salaries shall be paid to the Directors or officers of the Corporation as Directors or officers, and that wages and salaries paid by the Corporation shall be reasonable and be paid only to those persons actually engaged in the maintenance and operation of the said building;
- (h) It is understood and agreed by the parties hereto that all proper charges for physical properties for the said building, legal fees, engineering fees, auditing and accounting fees and fees incurred in the financing of the Corporation shall be proper expenditures for the construction or operation of the building;
- (i) The Corporation agrees that it will provide the City with an annual statement of income and expenditure, a balance sheet and that the City will have free access to the books of the Corporation for its servants, agents, employees or auditors for the purpose of examination at all reasonable times;
- (j) The Corporation agrees that two Directors of the Corporation shall be elected from names submitted by the City, provided that the names submitted shall be submitted in writing by the City to the Corporation thirty days after request from the Corporation;

- (k) The Corporation agrees that at the end of the lease term, or at such earlier date that the cost of the said building and operating expenses as hereinbefore set forth are recovered, and bonds, debentures, etc., retired from the revenue produced by the said building, whichever event shall first happen, the Corporation will transfer the land and the said buildings, together with all operating machinery and equipment used in the operation of the said building, to the City, free and clear of all claims, charges and encumbrances, provided that any licenses, tenancies or occupancies which may possibly run for a term in excess of the transfer date as hereinbefore set out in this paragraph, shall receive the approval of the City before the same are entered into;
- (l) If the Corporation shall make default in any of the terms or provisions of the said lease or if the Market and Parking Building shall not be completed within the time limited, or if the same shall not be open and substantially operated as a market and parking building for any period of six successive months, then the privileges hereby granted shall be at an end and the term herein referred to terminated, and the structure or structures erected on the market square, together with all fixtures and equipment used in connection therewith shall become the property of and belong to the City without payment by the City, and free from all costs, charges, expenses, liens, encumbrances, mortgages, pledges or claims whatsoever, as fully and effectively as if the full period of thirty years had elapsed. Provided that if the non-operation of the said building arises by reason of strikes, lock-outs, fires or acts of God the calculation of the said period of six successive months shall be suspended during the time during which such causes existed;
- (m) The demised premises shall not, during the currency of the said lease be subject to municipal taxes, except for charges under *The Local Improvement Act*, which the Corporation agrees to forthwith pay as the same may fall due. Provided nothing herein shall exempt tenants from business tax;
- (n) The Corporation will at all times keep the premises insured in their full insurable value against fire, together with full supplemental coverage, and in the event of loss or damage such insurance will be applied in full to the restoration of such loss or damage;
- (o) The Corporation will offer employment to the Market Clerk and the Deputy Market Clerk at wages comparable to those now being received, excepting pension, or upon such other basis as may be mutually arranged.

11. The City shall be deemed to have an equity in the building equal to the sum of the bonds as may be retired from time to time; provided that control of the operation of the building shall not thereby be altered, nor shall any obligation upon the City be deemed to arise thereby.

12. The City undertakes that it will apply to the Legislature of the Province of Ontario for legislation validating this agreement and authorizing and empowering the parties to carry out and perform the same. This agreement shall not come into force or take effect unless and until the coming into force of such legislation.

IN WITNESS WHEREOF the parties hereto have hereunto caused to be affixed their respective corporate seals, attested by the hands of their respective proper officers.

SIGNED, SEALED AND DELIVERED
in the presence of

THE CORPORATION OF THE CITY OF
LONDON:

A. J. RUSH, *Mayor.*

(Seal)

R. H. COOPER, *Clerk.*

COVENT GARDEN BUILDING
INCORPORATED:

J. JEFFERY

(Seal)

JOHN A. ANDERSON

(Plans attached as Schedule "A")

CHAPTER 105

An Act to incorporate Lynwood Hall Children's Centre

Assented to March 31st, 1955
Session Prorogued March 31st, 1955

WHEREAS The Children's Industrial School of the City ^{Preamble}
of Hamilton was incorporated by *An Act to incorporate* ^{1864, c. 145}
the Children's Industrial School of the City of Hamilton, being
chapter 145 of the Statutes of the Province of Canada, 1864;
and whereas its name was changed to the Girls' Home of the
City of Hamilton by *An Act respecting the Hamilton Girls'* ^{1878, c. 63}
Home, being chapter 63 of the Statutes of Ontario, 1878;
and whereas the corporation of The Boys' Home of the City
of Hamilton was incorporated by *An Act to incorporate* ^{1873, c. 152}
"The Boys' Home, of the City of Hamilton", being chapter
152 of the Statutes of Ontario, 1873; and whereas it is deemed
advisable for the efficient carrying out of the objects of the
respective corporations that the said institutions should
amalgamate and carry on the objects for which they were
incorporated jointly, as both institutions have the same or
similar objects within the scope of the said incorporating
Acts; and whereas the petitioners by their petition have
prayed for special legislation in respect of these matters;
and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. In this Act,

Interpre-
tion

- (a) "Board" means the Board of Directors of the corporation;
- (b) "property" includes messuages, lands and hereditaments whether freehold or of any other tenure and whether corporeal, incorporeal or personal, and any undivided share thereof, and any estate, right or interest therein, leasehold estates, chattels, also money shares of government and other funds, securities for money, debts, choses in action, rights, credits, goods, and all other property, including any gift, bequest or devise to the said respective in-

stitutions

stitutions under any will, deed, or any other instrument which has heretofore been signed, made, executed or delivered or may hereafter be so signed, made, executed or delivered;

(c) "corporation" means Lynwood Hall Children's Centre.

Incorporation

2. The said Girls' Home and the said Boys' Home are hereby amalgamated and shall be and form a new corporation under the name of "Lynwood Hall Children's Centre" and shall have a corporate seal of such design as may be adopted by the Board.

Property

3. All property belonging to or held by or in trust for the Girls' Home and the Boys' Home respectively shall forthwith after this Act comes into force be delivered and surrendered by the Directors or Trustees of the Girls' Home and the Boys' Home to the corporation and be held, used and administered or sold by the corporation subject to the provisions of this Act, and to any trust upon which the said property may have been held, and all property within this Province hereafter acquired for or belonging to or held by or in trust for or to the use of the Girls' Home and the Boys' Home shall be held, used and administered or sold for the benefit of the corporation, including the subject matter of any devise, bequest, transfer or gift, but subject to any special trusts declared in respect thereof.

Object

4. The object of the corporation is to afford shelter, relief, support and education for unfortunate children of the City of Hamilton as it shall from time to time exist, or from elsewhere at the will of the Board, and to afford religious and moral instruction thereto.

Idem

5. The purposes and objects of the corporation shall also be those referred to in the Act incorporating The Boys' Home of the City of Hamilton, and in the Act incorporating the Girls' Home of the City of Hamilton.

Head office

6. The head office of the corporation shall be at the City of Hamilton, Ontario.

By-laws

7. The general by-laws regulating the conduct of the affairs of the corporation shall be those of the Boys' and Girls' Homes of the City of Hamilton, subject to repeal, amendment, alteration or addition by the Board.

Affairs of corporation managed by Board

8. The affairs of the corporation shall be managed by a Board of Directors composed of thirty Directors, until otherwise determined by by-law, of whom one-quarter of the Directors shall constitute a quorum.

9. The Board shall have power to enact by-laws regulating the conduct of the affairs of the corporation and to do any other act necessary or convenient for carrying on the affairs of the corporation and the management thereof and to re-enact, alter and amend or repeal the same and to attach thereto or to any deed or document the corporate seal and to assign from time to time any person or persons to so attach the corporate seal and to execute same on behalf of the corporation; provided, however, that such by-laws, alterations or amendments shall not be contrary to law or the provisions of this Act. Powers of Board

10. Ten of the present Directors of the Girls' Home and ten of the Directors of the Boys' Home and ten citizens at large selected by a nominating committee representative of both the Girls' Home and the Boys' Home shall constitute the first Board of Directors of the corporation notwithstanding any irregularity in their appointment and they may, at any time after this Act comes into force, elect from among themselves a president, one or more vice-presidents, a chairman, a secretary, a treasurer, or a secretary-treasurer and other officers and those officers shall act until such time as a new Board of Directors is elected and upon such new Board being elected, such new Board shall appoint such officers from among its members. First Board

11. The Board may engage a secretary and other employees at such salary or remuneration as shall be fixed by the Board. Secretary

12. The corporation shall have power to enforce in the name of either of the amalgamated institutions or in its own name any and all rights and powers which either of the said institutions now have or may have had and to be subject to any obligations of the respective institutions with power to receive any and all devises, bequests or gifts which have or may be bequeathed, devised or given to either of the said institutions, and such devises, bequests or gifts shall be deemed to have been made to the corporation, and the corporation shall have power to continue in the name of either of the said institutions litigation or contracts pending at the time this Act comes into force. Powers of corporation

13. No Director shall be responsible for the failure of any investment or security made or taken by the corporation or for anything done in connection with the administration of the affairs of the corporation except for his own acts or defaults but shall account for all moneys actually coming to his hands and shall not be liable for any injury done by others to the property of the corporation or any part thereof. Liability of Directors

Committees

14. The Board may by resolution delegate any of its powers excepting the powers of enacting, re-enacting, repealing, altering or amending by-laws to one or more executive committees each consisting of not less than three members to be appointed by the Board from its number, and the Board may appoint to any such committee persons other than Directors to act in an advisory capacity.

Loans to
Directors

15. No loan shall be made by the corporation to any Director or other officer of the corporation and if such loan is made, all Directors and other officers of the corporation making the same or assenting thereto shall be jointly and severally liable to the corporation for the amount thereof.

Powers of
investment

16. The Corporation may invest any of its funds in such securities as trustees are permitted to invest pursuant to *The Trustee Act*.

Rev. Stat.,
c. 400Commence-
ment

17. This Act comes into force on the day it receives Royal Assent.

Short title

18. This Act may be cited as *The Lynwood Hall Children's Centre Act, 1955*.

CHAPTER 106

**An Act respecting the United Counties
of Northumberland and Durham**

*Assented to March 31st, 1955
Session Prorogued March 31st, 1955*

WHEREAS The Corporation of the United Counties of ^{Preamble} Northumberland and Durham by its petition has prayed for special legislation in respect of a Court House and auxiliary offices for the said Counties; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Sections 12 and 13 of *An Act to consolidate the debt of* 1859, c. 72, *the Town of Cobourg, and to authorize the issue of Debentures* ^{ss. 12, 13,} ~~repealed~~ *on the security of the Town property, and for other purposes,* being chapter 72 of the Statutes of the Province of Canada, 1859, are repealed.

2. The Proclamation in the Schedule hereto, dated the 24th day of August, 1859, and published at Toronto in the ^{Proclama-} ~~tion~~ ^{revoked} *Canada Gazette* on the 27th day of August, 1859, is revoked.

3. This Act comes into force on the day it receives Royal ^{Commence-} ~~ment~~ Assent.

4. This Act may be cited as *The United Counties of* ^{Short title} *Northumberland and Durham Act, 1955.*

SCHEDULE

THE CANADA GAZETTE

Toronto, Saturday, August 27th, 1859

Province of
Canada }

EDMUND HEAD.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, &c., &c., &c.

To all to whom these presents shall come, or whom the same may concern

—GREETING:

JOHN A. MACDONALD, } WHEREAS in and by a certain Act of the
Attorney-General } Legislature of Our Province of Canada,
passed in the second Session thereof, held in
the twenty-second year of Our Reign, and intituled, "An Act to Consolidate
the Debt of the Town of Cobourg, and to authorize the issue of Debentures,
on the security of the Town property, and for other purposes," it is,
amongst other things enacted, that "it shall be lawful for the Governor in
Council, by a Proclamation to be published in the *Canada Gazette*, upon
application by the County Council of the United Counties of Northumber-
land and Durham, to direct and appoint that from and after a day to be
named in such Proclamation, the sittings of the several Courts of Assize
and Nisi Prius, Oyer and Terminer and General Gaol Delivery, and
General Quarter Sessions of the Peace, and the County Court for the
United Counties of Northumberland and Durham, shall be holden in
the Town Hall, in and for the Town of Cobourg; and from and after such
day the sittings of the Courts may be lawfully holden in the said Town
Hall, and the same shall be to all intents and purposes the Court House
for the said United Counties."

AND WHEREAS the County Council of the United Counties of Northumberland and Durham have made application for the publication of a Proclamation as, in the said hereinbefore in part recited Act, is authorized and permitted, and Our said Governor General, by an order in Council, was pleased thereupon to direct to be issued a Proclamation for the purposes in the said Act mentioned;

NOW KNOW YE, that we have thought fit upon the application of the County Council of the United Counties of Northumberland and Durham, and under the order in Council thereon as aforesaid, to issue this Proclamation under the hereinbefore in part recited Act, and We do by these presents proclaim, direct and appoint that from and after the First day of September next ensuing the date hereof, the sittings of the several Courts of Assize and Nisi Prius, Oyer and Terminer, and General Gaol Delivery, and General Quarter Sessions of the Peace, and the County Court for the United Counties of Northumberland and Durham, shall be holden in the Town Hall, in and for the Town of Cobourg; of all which premises our loving Subjects and all others whom it doth or may in any wise concern, are hereby required to take notice and govern themselves accordingly.

IN TESTIMONY WHEREOF, We have caused these Our Letters to be made Patent, and the Great Seal of Our said Province of Canada to be hereunto affixed:

WITNESS, Our Right Trusty and Well-Beloved the Right Honourable Sir Edmund Walker Head, Baronet, one of Our Most Honourable Privy Council, Governor General of British North America, and Captain General

and

and Governor in Chief in and over Our Provinces of Canada, Nova Scotia, New Brunswick and the Island of Prince Edward, and Vice Admiral of the same, &c., &c., &c. At Our Government House, in Our City of Toronto, in Our said Province of Canada, this Twenty-Fourth day of August, in the year of Our Lord, one thousand eight hundred and fifty-nine, and in the Twenty-third year of Our Reign.

By Command,
CHARLES ALLEYN, *Secretary*.

CHAPTER 107

An Act respecting the Township of North York

*Assented to March 31st, 1955
Session Prorogued March 31st, 1955*

WHEREAS The Corporation of the Township of North York, hereinafter called the Corporation, by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition; Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Notwithstanding section 116 of *The Municipality of Metropolitan Toronto Act, 1953*, if the number of wards in the Township of North York is increased to eight, the council of the Corporation may by by-law provide that The Board of Education for the Township of North York shall be composed of nine members, eight of whom shall be elected on the basis of one member from each of the eight wards, and one of whom shall be appointed by a separate school board pursuant to *The Secondary Schools and Boards of Education Act, 1954*. Composition of board of education 1953, c. 73

(2) A by-law under subsection 1 shall be passed not later in the year than the 1st day of November and shall take effect at and for the purposes of the annual election next after its passing. Time for passing by-law; effective date

(3) The elected members shall hold office for a term of two years and until their successors are elected and a new board is organized, and the appointed member shall hold office for a term of two years as provided in *The Secondary Schools and Boards of Education Act, 1954*. Term of office

(4) At the first election after the by-law is passed, the full number of elective members shall be elected but the by-law shall provide that the members first elected from four of the wards, designated in the by-law, shall hold office for two years and that the members first elected from the other four wards shall hold office for one year, and at each annual Staggered system

election

election after the first a member shall be elected, to hold office for two years, for each of the four wards in respect of which the term of office of the member is expiring.

Swimming
pools on
school
property

2.—(1) The council of the Corporation may pass by-laws,

- (a) for granting aid to The Board of Education for the Township of North York to pay in whole or in part for the construction by the Board of indoor or outdoor swimming pools on the property of the Board, and the granting of such aid shall be deemed to be a purpose of the Corporation;
- (b) for entering into agreements with the Board respecting the construction, control, operation, maintenance and repair of such pools, and in particular respecting the operation and use of such pools by the Corporation at other than school hours;
- (c) prescribing fees or charges for the use of or admission to such pools while the operation and use of the pools is under the control of the Corporation.

Idem

(2) The Board of Education for the Township of North York may enter into and carry out any agreement made with the Corporation pursuant to subsection 1.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Township of North York Act, 1955*.

CHAPTER 108

An Act respecting the City of Ottawa

Assented to March 31st, 1955
Session Prorogued March 31st, 1955

WHEREAS The Corporation of the City of Ottawa by Preamble
 its petition has prayed for special legislation in respect
 of the matters hereinafter set forth; and whereas it is expedient
 to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario,
 enacts as follows:

1. Section 1 of *The City of Ottawa Act, 1941*, as amended by 1941, c. 72, s. 1, re-enacted
 section 1 of *The City of Ottawa Act, 1946*, section 18 of *The*
City of Ottawa Act, 1948 and section 1 of *The City of Ottawa*
Act, 1949, is repealed and the following substituted therefor:

1. Notwithstanding the provisions of By-law No. 7036 Time for entry under By-law No. 7036 extended
 passed by the council of The Corporation of the City
 of Ottawa on the 5th day of January, 1931, and
 notwithstanding the order of the Ontario Municipal
 Board dated the 8th day of July, 1937, the time for
 entry by The Corporation of the City of Ottawa
 on the lands expropriated under the said By-law
 No. 7036 shall be deferred until the cross-town
 limited access highway (Queensway) is completed
 or until the 1st day of January, 1960, whichever
 may be the earlier.

2. The Agreement dated the 7th day of February, 1955, Agreement confirmed
 between The Corporation of the City of Ottawa and The
 Corporation of the County of Carleton, set forth as the
 Schedule hereto, is hereby confirmed and declared to be legal,
 valid and binding upon the parties thereto and the ratepayers
 thereof and all other persons affected thereby.

3. This Act comes into force on the day it receives Royal Commence-
ment
 Assent.

4. This Act may be cited as *The City of Ottawa Act, 1955*. Short title

SCHEDULE

AN AGREEMENT made in duplicate the 7th day of February, 1955.

BETWEEN:

THE CORPORATION OF THE CITY OF OTTAWA, hereinafter
called the "City",

OF THE FIRST PART,

—and—

THE CORPORATION OF THE COUNTY OF CARLETON,
hereinafter called the "County",

OF THE SECOND PART.

WHEREAS by an agreement dated the 20th day of March, 1950 entered into between the City and the County confirmed and declared to be legal, valid and binding by subsection 2 of section 1 of *The City of Ottawa Act, 1950* (Statutes of Ontario, 1950, Chapter 109) the City and the County agreed that for a period of five years from and after the first day of January, 1950, all percentages of fees and emoluments derived from extracts, searches, registrations and other charges in respect of land situate within the limits of the Registry Division of the City of Ottawa and of land situate within the limits of the Registry Division of the County of Carleton, should be paid as therein set forth;

AND WHEREAS the City and the County have agreed to renew the said agreement as hereinafter set forth;

NOW THEREFORE THIS AGREEMENT WITNESSETH:

1. Notwithstanding the provisions of section 111 of *The Registry Act*, all percentages of fees and emoluments derived from extracts, searches registrations, and other charges in respect of land situate within the limits of the Registry Division of the City of Ottawa shall be paid to the Treasurer of the City and all percentages of fees and emoluments derived from extracts, searches, registrations, and other charges in respect of land situate within the limits of the Registry Division of the County of Carleton shall be paid to the Treasurer of the County.

2. This agreement shall not come into effect until it is confirmed and declared to be legal, valid, and binding by the Legislature of Ontario, but when so confirmed and declared to be legal, valid and binding shall be deemed to have effect from the first day of January, 1955 and shall remain in effect for a period of five years after such date.

IN WITNESS WHEREOF the City has hereunto affixed its corporate seal under the hands of its Mayor and Clerk, and the County has hereunto affixed its corporate seal under the hands of its Warden and Clerk Treasurer.

SIGNED, SEALED AND DELIVERED

(Corporate Seal)

THE CORPORATION OF THE CITY
OF OTTAWA:

CHARLOTTE WHITTON,
Mayor.

N. R. OGILVIE,
Clerk.

THE CORPORATION OF THE COUNTY
OF CARLETON:

D. A. MOODIE,
Warden.

H. E. COLDREY,
Clerk & Treasurer.

(Corporate Seal)

CHAPTER 109

An Act respecting the City of Port Arthur

*Assented to March 31st, 1955
Session Prorogued March 31st, 1955*

WHEREAS The Corporation of the City of Port Arthur ^{Preamble} by its petition has represented that it has by By-law No. 3686, duly passed on the 24th day of January, 1955, authorized the issue of debentures for \$30,000 to provide for an advance of moneys to the Port Arthur Arena Company, Limited, for the purpose of making substantial repairs and replacements to the rink owned by the Company and in particular to the artificial ice plant thereof, and has authorized the execution on behalf of the Corporation of an Agreement between the Corporation and the Company in the terms of the Agreement set out as Schedule "A" to the said By-law; and whereas the said Agreement has been executed by the Corporation and by the Port Arthur Arena Company, Limited; and whereas the Corporation has prayed for special legislation with respect to such matter; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subject to the approval of the Ontario Municipal Board, ^{By-law and Agreement confirmed} By-law No. 3686 of the City of Port Arthur, passed by the council of The Corporation of the City of Port Arthur on the 24th day of January, 1955, set forth as the Schedule hereto, and the Agreement entered into between the Corporation and the Port Arthur Arena Company, Limited, pursuant to the said By-law and appearing as Schedule "A" to the said By-law, are hereby validated and confirmed and declared to be legal, valid and binding upon the Corporation and the ratepayers thereof, and upon the Port Arthur Arena Company, Limited.

2. This Act comes into force on the day it receives Royal ^{Commence-ment} Assent.

3. This Act may be cited as *The City of Port Arthur Act*, ^{Short title} 1955.

SCHEDULE

CITY OF PORT ARTHUR

BY-LAW No. 3686

A By-law to authorize the borrowing of \$30,000.00 upon debentures to provide for the making of an advance of monies to Port Arthur Arena Company, Limited, to defray the cost of certain substantial repairs and replacements to the rink owned by the Company.

WHEREAS the Council of The Corporation of the City of Port Arthur has been requested by Port Arthur Arena Company, Limited, to lend to it the sum of \$30,000.00 to defray the cost of certain substantial repairs and replacements to the Arena rink owned by the Company and in particular the artificial ice plant thereof;

AND WHEREAS the said Council has agreed to make the said loan upon the terms and conditions set forth in the Agreement, a copy whereof is hereto annexed and marked Schedule "A" to this by-law;

AND WHEREAS it is necessary to borrow the said sum of \$30,000.00 on the credit of the Corporation and to issue debentures therefor bearing interest at the rate of $4\frac{1}{2}\%$ per annum, which is the amount of the debt intended to be created by this by-law;

AND WHEREAS it is expedient to make the principal of the said debt repayable in yearly sums during the period of 5 years, of such amounts respectively that the aggregate amount payable for principal and interest in any year shall be equal as nearly as may be to the amount so payable for principal and interest in each of the other years;

AND WHEREAS it will be necessary in each of the years during the said period of 5 years to raise the sum set forth for such year in Column 5 of Schedule "B" to this by-law;

AND WHEREAS the amount of the whole rateable property of the municipality, according to the last revised assessment roll, is \$49,991,532.00;

AND WHEREAS the amount of the existing debenture debt of the Corporation (exclusive of local improvement debts secured by special rates or assessments) is \$7,183,478.95, and no part of the principal or interest is in arrear;

AND WHEREAS by its Order No. _____ dated the _____ day of _____, 1955, The Ontario Municipal Board has approved of the said work and of the passing of this by-law;

NOW THEREFORE the Council of The Corporation of the City of Port Arthur enacts as follows:

1. That the Agreement annexed hereto and marked Schedule "A" to this by-law shall be and the same is hereby approved, adopted and confirmed, and that the Mayor and Clerk be and they are authorized to execute the said Agreement on behalf of The Corporation of the City of Port Arthur and to affix the seal of the Corporation thereto.

2. That for the purpose aforesaid there shall be borrowed on the credit of the Corporation at large the sum of \$30,000.00, and debentures shall be issued therefor in sums of not less than \$100.00 each bearing interest at the rate of $4\frac{1}{2}\%$ per annum payable either annually or semi-annually and having coupons attached thereto for the payment of the interest.

3. All the debentures shall bear the same date, shall be issued at one time and within two years after the day on which this by-law is passed, may bear any date within such two years and shall be made payable in annual instalments during the period of 5 years next after the date of issue thereof, and the respective amounts of principal and interest payable in each of such years shall be the amount so designated in Schedule "B" hereto annexed.

4. The debentures as to both principal and interest shall be expressed in Canadian currency and may be payable at any place or places in Canada.

5. The Mayor of the Corporation shall sign and issue the debentures and the same shall also be signed by the Treasurer of the Corporation, and the debentures shall be sealed with the seal of the Corporation. The coupons shall be signed by the Treasurer and his signature thereto may be written, stamped, lithographed or engraved thereon.

6. In each year during the period of 5 years, the currency of the debentures, the sum set forth for such year in Column 5 of the said Schedule "B" shall be raised for the payment of the debt and interest, and shall be levied and raised in such year by a special rate sufficient therefor, over and above all other rates, on all the rateable property in the municipality, at the same time and in the same manner as other rates.

7. The debentures may contain any clause providing for the registration thereof authorized by any Statute relating to municipal debentures in force at the time of the issue thereof.

8. The Corporation shall have the right at its option to redeem that portion of the said debentures which mature in the 5th or final year on any date prior to maturity at the places where and in the moneys in which the said debentures are expressed to be payable, upon payment of the principal amount thereof together with interest accrued to the date of redemption and upon giving previous notice of said intention to redeem by advertising once in *The Ontario Gazette* and once in a daily newspaper of general provincial circulation, published in the City of Toronto, and once in a local newspaper, such notice to be advertised as aforesaid at least thirty days before the date fixed for redemption. Notice of intention so to redeem shall also be sent by post at least thirty days prior to the date set for such redemption to each person in whose name a debenture so to be redeemed is registered at the address shown in the Debenture Registry Book.

9. The Mayor and Treasurer of the Corporation are hereby authorized to agree with any bank or person for temporary advances of money at a rate not exceeding $4\frac{1}{4}\%$ per annum, represented by a promissory note or promissory notes or by way of overdraft or otherwise, not exceeding \$30,000.00 to meet the cost of the said work pending the completion thereof on the security of and pending the issue and sale of the debentures to be issued under this by-law and to hypothecate the said debentures to such bank or person as security for such loan.

10. A promissory note or notes or other vouchers, sealed with the Corporate Seal and signed on behalf of the Corporation by the Mayor and Treasurer thereof, for the advances thereof from time to time obtained under the authority hereof and interest thereon, may be given to such bank or person, providing for the repayment of or representing advances with interest thereon as aforesaid. The Treasurer of the Corporation is hereby authorized and directed to apply first in payment of such advances with interest thereon as aforesaid, all monies borrowed on the credit of the Corporation to represent such advances and all monies from other sources properly applicable thereto.

11. This by-law shall not come into force or take effect until the same shall have been validated by a special Act of the Legislative Assembly of the Province of Ontario, or until the same shall have been approved by The Ontario Municipal Board.

ENACTED AND PASSED this 24th day of January, A.D. 1955.

Council Chambers, Port Arthur, Ontario.

(Corporate Seal of The Corporation
of the City of Port Arthur)

FRED O. ROBINSON,
Mayor.
ARTHUR H. EVANS,
Clerk.

FIRST READING: January 24th, 1955.

SECOND READING: January 24th, 1955.

THIRD READING: January 24th, 1955.

Schedule "A"

THIS AGREEMENT made this tenth day of January, one thousand nine hundred and fifty-five.

BETWEEN:

THE CORPORATION OF THE CITY OF PORT ARTHUR,
hereinafter called the "City",

OF THE FIRST PART,

—and—

PORT ARTHUR ARENA COMPANY, LIMITED, a Company
incorporated under the laws of the Province of Ontario,
hereinafter called the "Company",

OF THE SECOND PART.

WHEREAS the rink owned by the Company, and known as the Port Arthur Arena Rink, and in particular the artificial ice plant thereof are in need of substantial repairs and replacements, the estimated cost whereof is the sum of Thirty Thousand (\$30,000.00) Dollars;

AND WHEREAS the said Company is unable to provide the said sum and has applied to the City to lend to it the said sum of Thirty Thousand (\$30,000.00) Dollars for the said purposes, to be repaid by the Company to the City as hereinafter set out;

AND WHEREAS the City has agreed to make the said loan provided that the necessary authority therefor be granted to it by a special Act of the Legislative Assembly of the Province of Ontario;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in pursuance of the premises and in consideration of the mutual covenants and agreements hereinafter contained, the parties hereto covenant and agree each with the other as follows:

1. The City will apply to the Legislative Assembly of the Province of Ontario at the next session thereof for the passing of an Act authorizing the City to loan to the Company the sum of Thirty Thousand (\$30,000.00) Dollars upon the security of a first Mortgage on the rink owned by the Company, and upon the terms and conditions hereinafter set forth, and validating and confirming this agreement.

2. If the act referred to in Paragraph 1 hereof shall be passed by the Legislative Assembly of the Province of Ontario, the City will borrow the sum of Thirty Thousand (\$30,000.00) Dollars upon debentures bearing interest at the rate of $4\frac{1}{2}\%$ and repayable within a period of five (5) years, and will pay to the Company the proceeds received by it from the sale of such debentures less all the costs and disbursements incurred by it in obtaining the passing of the said act, and the making of the said loan, or in any way whatsoever connected therewith, including but not so as to limit the generality of the foregoing the sum of Seventy-Five (\$75.00) Dollars for administration expenses; and the Company covenants and agrees that it will repay the said sum to the City, together with interest thereon, in the manner following, that is to say:

The said principal sum of Thirty Thousand (\$30,000.00) Dollars shall become due and be paid in any event at the expiration of twenty (20) years from the date when it shall have been advanced to the Company; provided that on the 1st day of May in each and every year the Company shall pay to the City on account of the said debt the whole of its net profits for the preceding financial year of the Company, which said net profits shall be deemed to be the gross profits, less all taxes and necessary and proper operating and administrative expenses, including reasonable depreciation and necessary and proper expenditures for replacements of or improvements to buildings, plant, and equipment of the Company.

The

The balance of principal from time to time outstanding shall bear interest at the same rate as the municipal debentures to be issued to provide the said monies, but only while any of the said debentures are outstanding, which said interest shall be paid semi-annually, in each year, one week before the date on which the interest on the said debentures is payable by the City. Interest in arrears shall bear interest at the rate aforesaid until paid as well after as before maturity and both before and after default, and shall be compounded with semi-annual rests. The first payment of interest shall be computed from the date of advance of the said monies to the Company and shall fall due and be paid in accordance with the preceding provisions of this paragraph. The Company shall be at liberty at any time to repay the whole or any part of the said indebtedness without notice or bonus; provided, however, that the Company shall continue to pay to the City the amount of interest payable by the City on the said debentures.

3. As security for the repayment of the said loan, the Company covenants and agrees to execute and deliver to the City a Mortgage, in form satisfactory to the City, upon the real estate, buildings and fixtures of the Company which together comprise the Port Arthur Arena Rink, hereinbefore referred to, which said Mortgage shall be a first Mortgage upon the said real estate, buildings and fixtures and shall contain the covenant of the Company that until the said Mortgage shall have been fully paid and satisfied, the Company shall not make or pay to its directors or shareholders any bonus, dividend, payment or distribution of profits whatsoever, and a proviso that upon breach of the said covenant the City shall be entitled to exercise all its rights under the said Mortgage in the same manner and to the same extent as for default in payment of principal or interest.

4. The Company further covenants and agrees with the City that if the Company, without the consent of the City, shall cease to operate the said Port Arthur Arena Rink for a period of one year, the monies owing under and by virtue of the said Mortgage shall, at the option of the City, become due and payable forthwith and in such event and upon default in payment of the respective sums secured by the said Mortgage, the City may forthwith proceed to enforce the terms and provisions of the said Mortgage in the same manner and to the same extent as for default of payment of principal and as if this covenant were expressly contained in and formed a part of the said Mortgage.

5. The Company covenants and agrees with the City that until the said Mortgage shall have been fully paid and satisfied it will at all times elect to its Board of Directors four nominees of the City who are shareholders of the Company, and in the event of the death, resignation or removal of any one or more of the said nominees from the said Board of Directors, that it will elect or appoint other nominees of the City in their place who shall be shareholders of the Company, and in default by the Company in the observance of this covenant, the balance secured by the said Mortgage, shall, at the option of the City, become due and payable forthwith, and in default of payment by the Company, the City shall be at liberty to enforce the terms and provisions of the said Mortgage in the same manner and to the same extent as for default in payment of principal and as if this covenant were expressly contained in the said Mortgage.

6. Until the indebtedness aforesaid shall have been fully paid and satisfied the Company covenants and agrees to insure and keep insured the buildings, fixtures, and Artificial Ice Plant and Equipment hereinbefore mentioned to their full insurable value in a Company or Companies satisfactory to the City with the loss payable thereunder to the City as its interest may appear.

7. This agreement shall be binding upon and enure to the benefit of the parties hereto and their respective successors and assigns.

WITNESS the respective corporate seals of the City and of the Company duly attested by the hands of their proper officers in that behalf.

SIGNED,

SIGNED, SEALED AND DELIVERED

In the Presence of:

(Corporate Seal of The Corporation
of the City of Port Arthur)(Corporate Seal of Port Arthur
Arena Company, Limited)THE CORPORATION OF THE CITY
OF PORT ARTHUR,FRED O. ROBINSON,
Mayor.
ARTHUR H. EVANS,
*Clerk.*PORT ARTHUR ARENA COMPANY,
LIMITED,G. F. McDougall,
Vice-President.
F. H. BLACK,
*Secretary.**Schedule "B"*

ARENA RINK MORTGAGE

BY-LAW No.....

AMOUNT: \$30,000.00

DUE:.....

TERM: 5 Years

INTEREST: 4½%

Deb. No.	Year	Interest	Principal	Annual Payment	Balance
1	1st	\$1,350.00	\$5,483.75	\$6,833.75	\$24,516.25
2	2nd	1,103.23	5,730.52	6,833.75	18,785.73
3	3rd	845.36	5,988.39	6,833.75	12,797.34
4	4th	575.88	6,257.87	6,833.75	6,539.47
5	5th	294.28	6,539.47	6,833.75	Nil
		<u>\$4,168.75</u>	<u>\$30,000.00</u>	<u>\$34,168.75</u>	

CHAPTER 110

An Act respecting the Town of Riverside

Assented to March 31st, 1955
Session Prorogued March 31st, 1955

WHEREAS The Corporation of the Town of Riverside Preamble
by its petition has prayed for special legislation in
respect of the matter hereinafter set forth; and whereas it is
expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and
consent of the Legislative Assembly of the Province of
Ontario, enacts as follows:

1. The lands described in the Schedule hereto are hereby Lands
vested in The Corporation of the Town of Riverside in fee vested in
simple, clear of and free from all right, title and interest Corporation
other than that of the Corporation.

2. This Act comes into force on the day it receives Royal Commence-
Assent. ment

3. This Act may be cited as *The Town of Riverside Act*, Short title
1955.

SCHEDULE

ALL AND SINGULAR those certain parcels or tracts of land and premises, situate, lying and being in the Town of Riverside, in the County of Essex and Province of Ontario, being composed of Parts of Farm Lots One Hundred and Thirty-two to One Hundred and Forty-nine (132 to 149) inclusive—formerly in the First Concession of the Township of Sandwich East but now in the said Town of Riverside—lying between the northerly limit of Riverside Drive (formerly known in part as Lake Front Road and also River Front Road) and the southerly limit of the former right-of-way of the Windsor and Tecumseh Electric Railway Company as shown on a Plan registered in Book I for the Town of Riverside as No. 8655, on the 12th day of October, A.D. 1939, and which said parcels or tracts may be more particularly described as follows:

COMMENCING in the intersection of the westerly limit of said Farm Lot 132 with the southerly limit of the lands formerly owned by the Windsor and Tecumseh Electric Railway Company, as shown on a plan registered in Book I for the Town of Riverside, as No. 8655, on the 12th day of October, A.D. 1939; thence northerly, following the said westerly limit of Farm Lot 132, two hundred and seventy feet (270') more or less, to a point in the northerly limit of Riverside Drive (formerly known in part as Lake Front Road and also River Front Road); thence easterly, following the last mentioned limit, to a point in the easterly limit of said Farm Lot 149; thence southerly, following the last mentioned limit, one hundred and forty feet (140') more or less to a point in the said southerly limit of the lands formerly owned by the Windsor and Tecumseh Electric Railway Company; thence westerly, following the last mentioned limit to the place of beginning.

EXCEPTING thereout and therefrom that Part of Farm Lot 143 as owned by Emelia D. Belanger and described in Instrument No. 15263 and registered in Book Q for the Town of Riverside, on the 25th day of January, 1950.

Also, excepting thereout and therefrom that part of Farm Lot 139 as owned by Seto Guen Feun and described "Secondly" in Instrument No. 15841 and registered in Book R for the Town of Riverside, on the 9th day of June, 1950.

Also, excepting thereout and therefrom that Part of Farm Lot 139 as owned by Lillian, John and Edward O'Connell and described in Instrument No. 3629 and registered in Book D for the Town of Riverside, on the 30th day of March, 1927.

And also excepting thereout and therefrom the lands presently owned by Alice A. Barr being those lands described in Instrument No. 10492 and registered in Book K for the Town of Riverside on the 10th day of June, 1944, other than those lands therein heretofore conveyed away by the said Alice A. Barr.

CHAPTER 111

An Act respecting The Roman Catholic Bishop of Fort William

Assented to March 31st, 1955
Session Prorogued March 31st, 1955

WHEREAS the Corporation of The Roman Catholic ^{Preamble} Bishop of Fort William by its petition has prayed for special legislation to amend *The Roman Catholic Bishop of Fort William Incorporation Act, 1953* in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition; ^{1953, c. 129}

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The preamble of *The Roman Catholic Bishop of Fort William Incorporation Act, 1953* is amended by striking out ^{1953, c. 129, preamble, amended} the metes and bounds description of the boundaries of The Diocese of Fort William and inserting in lieu thereof the following metes and bounds description:

Commencing at a point on the Interprovincial Boundary between Ontario and Manitoba where the said boundary is intersected by the centre line of the road allowance between Townships Forty-four, Range XVI, and Forty-five, Range XVI, of Manitoba, the said centre line being the twelfth base line of the system of Dominion Land Surveys; thence easterly to the ninety-first meridian of longitude; thence south along the ninety-first meridian of longitude to latitude fifty degrees, forty-five minutes, twenty-three seconds; thence easterly along latitude fifty degrees, forty-five minutes, twenty-three seconds to the height of land separating the Albany River watershed from the Great Lakes watershed; thence easterly following the said height of land to its intersection with the eighty-sixth meridian of longitude; thence south along the eighty-sixth meridian of longitude to the International Boundary; thence westerly along the International Boundary to the westerly boundary of Ontario; thence north along the said westerly boundary of Ontario to the place of beginning.

2. Section 2 of *The Roman Catholic Bishop of Fort William Incorporation Act, 1953* is repealed and the following sub-^{1953, c. 129, s. 2, re-enacted}stituted therefor:

2.—(1) The Corporation may borrow money on its credit ^{Borrowing powers} in such amounts, on such terms, and from such persons, firms or corporations, including chartered

banks,

banks, as may be determined by the Corporation, and may make, draw, endorse and negotiate promissory notes and bills of exchange.

Idem

- (2) The Corporation may guarantee, with or without security, upon such terms as it may determine, any indebtedness of, the performance of any obligations of, and the repayment of any advances made to or for the purpose of any Roman Catholic corporation, organization, association or society engaged in activities in or partly in The Diocese of Fort William, or any officers thereof or any pastor of a parish in The Diocese of Fort William, and notwithstanding that any such corporation, organization, association or society may not have power to borrow money, any such guarantee shall be valid and binding upon the Corporation in the same way as if such corporation, organization, association or society had power to borrow money.

Idem

- (3) The Corporation may hypothecate, pledge or charge all or any part of the real or personal property of the Corporation to secure any moneys so borrowed or the fulfilment of any guarantee entered into by it, or the fulfilment of the obligations incurred by it under any promissory note or bill of exchange signed, made, drawn or endorsed by it.

Idem

- (4) The Corporation may issue bonds, debentures and obligations on such terms and conditions as the Corporation may decide, and may pledge or sell such bonds, debentures and obligations for such sums, and at such prices, as the Corporation may decide, and may mortgage, charge, hypothecate or pledge all or any part of the real or personal property of the Corporation to secure any such bonds, debentures and obligations.

Application
of moneys

- (5) The persons, firms or corporations, including chartered banks, from whom any moneys may be borrowed by the Corporation shall not be obliged to see to the application of the said moneys or any part thereof.

Liability
for moneys
heretofore
borrowed

3. It is hereby declared that the Corporation shall be bound for payment of all moneys heretofore borrowed by and in the name of the Corporation and shall be liable on all guarantees heretofore entered into by and in the name of the Corporation, notwithstanding that the Corporation may not have had power to borrow such moneys or to enter into such guarantees.

4. This Act comes into force on the day it receives Royal ^{Commence-}
Assent._{ment}

5. This Act may be cited as *The Roman Catholic Bishop of* ^{Short title}
Fort William Act, 1955.

CHAPTER 112

An Act respecting the Sarnia Board of Education and the Sarnia Suburban High School District

*Assented to March 31st, 1955
Session Prorogued March 31st, 1955*

WHEREAS The Board of Education for the City of Preamble
Sarnia and The Sarnia Suburban District High School Board by their petition have prayed for special legislation to enable the Boards by agreement to provide increased secondary school accommodation; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpreta-
tion

- (a) "accommodation" means school sites and buildings, teaching areas, auxiliary areas, furniture and equipment and all other matters and things necessary for the operation of a secondary school;
- (b) "City" means City of Sarnia;
- (c) "City Board" means The Board of Education for the City of Sarnia;
- (d) "gross cost" means the cost of teachers' salaries, instructional supplies, administration, plant operation, plant maintenance and replacements, auxiliary agencies, current financing of the operation of secondary schools and all other expenditures by the City in respect of the operation of secondary schools;
- (e) "Suburban Board" means The Sarnia Suburban District High School Board.

2.—(1) The City Board and the Suburban Board may enter into an agreement for the construction of a secondary school to be completed on or about the 1st day of September, 1956, and to be located in the City and for the operation and management of all secondary schools in the City. Agreement re secondary school to be completed on or about 1st Sept., 1956

(2)

Terms and
conditions
to be
included

(2) An agreement entered into under subsection 1 shall include the following terms and conditions:

1. The new secondary school shall be constructed by the Suburban Board on a school site located in the City acquired by the Suburban Board under the direction and supervision of the City Board.
2. The cost of the school site and the construction of the secondary school shall be paid by the Suburban Board.
3. The new secondary school accommodation shall be owned by the Suburban Board and shall be leased for a nominal amount to the City Board until the debentures issued in respect of such accommodation are retired, at which time all such accommodation shall be conveyed to the City Board.
4. Municipal debentures, not to exceed a term of twenty years, may be issued by the municipalities, or any one of them, in the Sarnia Suburban High School District or by the County of Lambton in the same manner as if the new secondary school was located in the Sarnia Suburban High School District.
5. The operation and management of the new secondary school shall be under the control of the City Board and the rules, regulations, by-laws and policies of the City Board shall apply thereto at all times.
6. It shall be the duty of the City Board and the Suburban Board to meet together semi-annually, as required by notice from either Board to the other, to discuss matters relating to secondary schools.
7. Commencing with the fall term of 1956 and thereafter, the Suburban Board shall pay to the City Board a *per diem* rate for pupils resident in the Sarnia Suburban High School District and enrolled in a secondary school in the City based on the gross cost of operating the secondary schools in the City, not including payments of principal and interest in respect of the debentures issued by the City for the construction of the Central Collegiate in the City or subsequent debentures issued by the City for the construction of secondary school accommodation in the City.
8. Commencing with the fall term of 1956 and thereafter, it shall be the duty of the City Board to accept pupils resident in the Sarnia Suburban High School District and qualified to enroll in a secondary school

and

and it shall be the right of such pupils to receive secondary school education in secondary schools located in the City.

9. Commencing with the fall term of 1956 and thereafter, pupils from a high school district in the County of Lambton not within the Sarnia Suburban High School District may be admitted to a secondary school in the City with the written consent of the secretary of the Board having jurisdiction over the area in which the pupil resides and any such Board shall pay to the City Board a *per diem* rate for such pupils enrolled in a secondary school in the City based on the gross cost of operating the secondary schools in the City together with the payments of principal and interest in respect of the debentures issued by the City for the construction of the Central Collegiate in the City and all other debentures issued by the City or any municipality in the Sarnia Suburban High School District or the County of Lambton for the construction of secondary school accommodation in the City, and in such case that portion of the *per diem* rate computed in relation to debenture charges shall be shared by the City Board and Suburban Board in the proportion that the debenture charges of the City Board and the Suburban Board respectively at that time bear to the total debenture charges used in computing the *per diem* rate.

3.—(1) When in the opinion of the City Board additional accommodation to that provided by an agreement under section 2 is required, such additional accommodation may be provided with the approval of the Department of Education and, ^{Future requirements}

- (a) the cost of providing such additional accommodation shall be shared by the Boards in the proportion that the increased enrolment in secondary schools in the City from the City and from the Sarnia Suburban High School District, respectively, bears to the total increased enrolment in the secondary schools in the City; the increased enrolment to be determined from the enrolment on the 1st day of October, 1956, to the enrolment on the date of the approval of the Department to such additional accommodation;
- (b) the Suburban Board shall have an interest in any increased accommodation in the same proportion as it is liable for the cost of such accommodation and such interest shall be leased for a nominal

amount

amount to the City Board until the debentures issued in respect of such interest have been retired, at which time the Suburban Board shall convey its interest in such accommodation to the City Board;

- (c) municipal debentures, not to exceed a term of twenty years, may be issued by the municipalities, or any one of them, in the Sarnia Suburban High School District or by the County of Lambton in the same manner as if such increased accommodation was located in the Sarnia Suburban High School District;
- (d) the operation and management of any new secondary school and any addition or alteration to any secondary school shall be under the control of the City Board and the rules, regulations, by-laws and policies of the City Board shall apply thereto at all times.

Application
of subsection
2 of
section 2

(2) Paragraphs 6, 7, 8 and 9 of subsection 2 of section 2 shall apply with respect to any additional accommodation provided under this section.

Transfer of
land

4. For the purposes of an agreement under section 2, the City Board may transfer any land owned by it to the Suburban Board and the Suburban Board may acquire any such land.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Sarnia and Suburban Secondary Schools Act, 1955*.

CHAPTER 113

An Act respecting the Sarnia General Hospital

Assented to March 31st, 1955
Session Prorogued March 31st, 1955

WHEREAS The Corporation of the City of Sarnia by Preamble its petition has represented that by *An Act respecting the Sarnia General Hospital*, being chapter 163 of the Statutes of Ontario, 1920, as amended by section 2 of *The Sarnia General Hospital Act, 1928*, it was enacted that the council of the Corporation might appoint five trustees to be known as the "Hospital Commission", and as further amended by section 1 of *The Sarnia General Hospital Act, 1946*, it was enacted that the council of the Corporation might appoint nine trustees to be known as "The Hospital Commission", but no more than one member of the Municipal Council of the City of Sarnia should be eligible for appointment as a hospital trustee; and whereas the Corporation by its petition has prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *An Act respecting the Sarnia General Hospital*, as re-enacted by section 1 of *The Sarnia General Hospital Act, 1946*, is repealed and the following substituted therefor:

3. The conduct of the affairs of the said hospital shall be vested in a commission of nine trustees to be known as "The Hospital Commission", to be appointed by the Municipal Council of the City of Sarnia, the present nine trustees to serve for the term for which they have been appointed, and thereafter the trustee or trustees to be appointed in each year to take the place of the trustee or trustees whose term or terms shall have expired shall be appointed for a term of three years, save and except that a member of the Municipal Council of the City of Sarnia who is appointed a trustee shall be appointed for a term of one year, but no more than

three

three members of the Municipal Council of the City of Sarnia shall be eligible for appointment as hospital trustees.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Sarnia General Hospital Act, 1955*.

CHAPTER 114

An Act respecting the Municipality of Shuniah*Assented to March 31st, 1955**Session Prorogued March 31st, 1955*

WHEREAS The Corporation of the Municipality of Shuniah, in the District of Thunder Bay, by its petition has prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 9 of *The Municipality of Shuniah Act, 1936* is ^{1936,} amended by inserting after the word "expenses" in the fourth ^{c. 83, s. 9,} line the words "and for school purposes", so that the section shall read as follows:

9. When preparing the annual estimates of revenues and expenditures a separate estimate shall be made for each ward of the municipality setting out and apportioning the moneys necessary to be raised for general and administrative expenses and for school purposes and for carrying on the affairs of and meeting all expenditures in each ward, separately from any other ward or wards, and in striking the annual rate a separate and distinct rate of taxation shall be struck for each ward so as to levy by taxation on the rateable property in each ward the moneys necessary to meet the expenditures in that ward, independently of any other ward or wards, and such rate when struck and confirmed by by-law of the council shall be binding on each ward and the rate-payers thereof. If in any year in any ward the moneys expended in that ward have exceeded the amount of moneys levied by taxation in that ward during that year, then any such excess of expenditure shall be added to the estimates when striking the rate for that ward in the following year, but if in any year in any ward the moneys levied by taxation in that ward have exceeded the expenditures in that ward then such excess of levies shall be deducted

from

from the estimates when striking the rate for that ward in the following year or set up on the books as surplus and specifically identified as being a credit of the ward in which such surplus arose.

Commence-
ment

2. This Act shall be deemed to have come into force on the 1st day of January, 1955.

Short title

3. This Act may be cited as *The Municipality of Shuniah Act, 1955*.

CHAPTER 115

An Act respecting The St. Catharines General Hospital

Assented to March 31st, 1955
Session Prorogued March 31st, 1955

WHEREAS The St. Catharines General Hospital by its ^{Preamble} petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 12 of *The St. Catharines General Hospital Act*, ^{1924,} ^{c. 153, s. 12,} ^{amended} 1924 is amended by adding thereto the following subsection:

(2) The Board,

Powers of
investment

(a) may authorize and direct the investment of all its funds, which are to be invested by the Board or by any trust company or other trustee, in any investments in which joint stock insurance companies and cash-mutual insurance corporations are authorized to invest under *The Corporations Act, 1953*;

1953, c. 19

(b) may authorize and direct the retention of any specific assets donated or bequeathed to the hospital by any testamentary document, deed of trust or otherwise for such length of time as the Board, in its sole discretion, deems advisable notwithstanding that they do not consist of investments in which the Board is authorized to invest by this Act,

and the new corporation and the members of the Board shall in no circumstances be liable, nor shall any trust company or other trustee acting on the direction of the Board be liable, for any loss or damage that may be suffered by reason of the retention of any such assets or the investment of any such funds in accordance with the power and authority given in this Act.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The St. Catharines General Hospital Act, 1955*.

CHAPTER 116

An Act respecting St. Mary's River Bridge Company

Assented to March 31st, 1955
Session Prorogued March 31st, 1955

WHEREAS the applicants for incorporation by their ^{Preamble} petition have represented that an application has been made to the Parliament of Canada for an Act to incorporate a company under the name of St. Mary's River Bridge Company, hereinafter called the Company, for the purpose of constructing and operating a bridge or tunnel over or under the St. Mary's River, between Sault Ste. Marie, Ontario, and Sault Ste. Marie, Michigan, with powers incidental thereto; that the Company will have power to enter into an agreement with and to transfer and assign its rights, powers and authority to a company, body or commission, hereinafter called the Assignee, incorporated or created under the laws of Canada or the United States of America; that the Company will be organized as, and be, a non-profit corporation within the meaning of *The Corporations Tax Act* and the *Income Tax Act* (Canada); and that the Assignee to whom the Com- <sup>Rev. Stat.,
c. 72
R.S.C. 1952,
c. 148</sup>pany may assign its rights as aforesaid is to be exempt from taxation under the laws of the State of Michigan, and of the United States of America, including any municipal taxation; and whereas the applicants for incorporation by their petition have prayed that the Company, and its Assignee, if any, be exempted from municipal taxes within the City of Sault Ste. Marie in the Province of Ontario; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. On the incorporation of the St. Mary's River Bridge <sup>Exemption
from
taxation</sup> Company as a non-profit corporation within the terms of *The Corporations Tax Act*, and while it is and operates as <sup>Rev. Stat.,
c. 72</sup> such non-profit corporation, all real property, structures, easements and other rights, including the portion of the bridge or tunnel to be built in Ontario, of the Company which are or may become subject to assessment and taxation by The Corporation of the City of Sault Ste. Marie, and also the Company, shall, for a period not exceeding forty years,

during

during which any debentures, bonds or other securities issued for or in connection with the financing of the construction of the said bridge or tunnel are unpaid and outstanding, be exempt from all municipal taxation by The Corporation of the City of Sault Ste. Marie, including, without limiting the generality of the foregoing, local improvement and school rates and business taxes.

Application
to Assignee

2. The exemption shall apply to the Assignee and to the real property, structure, easements and other rights after and notwithstanding their transfer or assignment to the Assignee or their acquirement by the Assignee after and by virtue of such transfer and assignment.

Exemption
of The
International
Transit
Company,
Limited
from
taxation

3.—(1) On and after the day the bridge or tunnel to be built by the St. Mary's River Bridge Company is opened for use to the public, all real property, structures, easements and other rights of The International Transit Company, Limited used for the purposes of or in connection with the operation of a ferry service across the St. Mary's River which are or may become subject to assessment and taxation by The Corporation of the City of Sault Ste. Marie, and the Company, shall be exempt from all municipal taxation by the Corporation to the same extent and so long as the property, structures, easements and other rights of the St. Mary's River Bridge Company are exempt from municipal taxation by the Corporation under this Act.

Expiration
of exemption

(2) The exemption granted under subsection 1 shall cease to apply when The International Transit Company, Limited ceases to operate a ferry service across the St. Mary's River.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The St. Mary's River Bridge Company Act, 1955*.

CHAPTER 117

An Act respecting the City of Toronto

Assented to March 31st, 1955
Session Prorogued March 31st, 1955

WHEREAS The Corporation of the City of Toronto Preamble
 by its petition has prayed for special legislation in
 respect of the matters hereinafter set forth; and whereas it is
 expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario,
 enacts as follows:

1. The council of the Corporation may pass by-laws United Jewish Welfare Fund of Toronto—tax exemption Rev. Stat., c. 24
 exempting from municipal taxes, other than local improvement
 charges, such part of the land, as defined in *The Assessment*
Act, at 145 and at 150-152 Beverley Street in the City of
 Toronto, as is owned by the United Jewish Welfare Fund of
 Toronto, so long as such part is occupied and used by the
 United Jewish Welfare Fund of Toronto or by some organiza-
 tion or institution conducted on philanthropic principles and
 not for the purpose of profit or gain, under the direction of the
 United Jewish Welfare Fund of Toronto.

2.—(1) The council of the Corporation is authorized to Paving of lanes
 acquire or expropriate reserve strips and other small parcels
 of land adjoining or abutting a lane as part of the work of
 paving such lane under *The Local Improvement Act*. Rev. Stat., c. 215

(2) The council shall dedicate any reserve strips and other Idem
 small parcels of land acquired or expropriated under sub-
 section 1 as part of the lane before the work is completed.

(3) For the purposes of *The Local Improvement Act*, such Idem
 reserve strips and other small parcels of land shall be deemed
 to form part of the lane.

3.—(1) The Corporation may acquire land for the pur- O'Keefe Foundation
 poses of The O'Keefe Foundation.

(2) The Corporation may convey the land so acquired to Idem
 The O'Keefe Foundation for the purposes of an auditorium,
 cultural centre or community centre upon payment to the
 Corporation of any expenses incurred by it in connection
 with the acquisition and transfer of such land.

1936,
c. 84, s. 6,
subs. 10
(1938,
c. 73, s. 6),
re-enacted

4. Subsection 10 of section 6 of *The City of Toronto Act, 1936*, as enacted by section 6 of *The City of Toronto Act, 1938*, is repealed and the following substituted therefor:

Power of
inspector
to enter
dwellings

- (10) For the enforcement of any by-law passed under the authority of this section or of any by-law to provide for the safety of buildings, the inspector and any person acting under his instructions shall have the same right to enter, inspect and examine any dwelling or premises as an inspector under section 82 of *The Public Health Act* and the provisions of sections 82, 123, 124, subsections 2 and 3 of section 125, and section 126 of the said Act shall *mutatis mutandis* apply.

Rev. Stat.,
c. 306

Power
to close
dwelling and
prohibit
its use

- (10a) Where a conviction has been recorded against any person in respect of a dwelling or part of a dwelling which does not conform to a by-law passed under the authority of this section or to any by-law to provide for the safety of buildings, the inspector may order that any such dwelling or part of a dwelling which he believes to be unfit for human habitation be closed and remain closed, and prohibit its use as a dwelling, until the condition has been rectified, provided that notice of the order is given forthwith to the owner or to an adult person in the dwelling house; and the inspector may give such notice in addition to occupants and prospective occupants by posting signs or placards on the premises or by such other method as he deems necessary.

Commence-
ment

5.—(1) This Act, except section 1, comes into force on the day it receives Royal Assent.

Idem

(2) Section 1 shall be deemed to have come into force on the 1st day of January, 1955.

Short title

6. This Act may be cited as *The City of Toronto Act, 1955*.

CHAPTER 118

**An Act respecting
The University of Western Ontario**

*Assented to March 31st, 1955
Session Prorogued March 31st, 1955*

WHEREAS The University of Western Ontario by its ^{Preamble} petition has prayed for special legislation varying the provisions of its Act of Incorporation in relation to its organization, government and administration and enlarging and increasing its powers, rights and privileges; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,**Interpreta-
tion**

- (a) "Board" means The Board of Governors, The University of Western Ontario;
- (b) "college" includes a school or other institution of higher learning offering courses leading year for year to a degree;
- (c) "property" includes all property, both real and personal;
- (d) "real property" includes messuages, lands, tenements and hereditaments, whether corporeal or incorporeal, and any undivided share thereof and any estate or interest therein;
- (e) "Senate" means Senate of The University of Western Ontario;
- (f) "University" means The University of Western Ontario.

2. The University named "The University of Western Ontario", commonly known and referred to as "Western", ^{University continued}

its

its Board of Governors, Senate, Convocation, faculties and schools are and each of them is hereby continued, and, subject to this Act, shall respectively have, hold, possess and enjoy all the property, rights, powers and privileges which they respectively now have, hold, possess or enjoy.

Appoint-
ments,
statutes and
regulations
continued

3. All appointments in and statutes and regulations affecting the University and each of them shall continue, subject to this Act, and subject also, as to the teaching staff and all officers, servants and employees, to their removal by the Board.

Religious
tests not
required

4. The government, management and control of the University shall continue to be undenominational and no religious test shall be required of any professor, lecturer, teacher, officer, employee or servant, or of any student of the University, nor shall any religious observances according to the forms of any particular denomination or sect be imposed on them.

Proceedings
by or against
University

5. All proceedings by or against the University may be had and taken in the name of "The University of Western Ontario".

AFFILIATED COLLEGES

Affiliated
colleges

6.—(1) Every college affiliated with the University shall continue to be so affiliated, subject to any statute in that behalf and to this Act.

Idem

(2) The following are declared to be the colleges affiliated with the University:

- (a) Alma College;
- (b) Huron College;
- (c) Music Teachers' College;
- (d) St. Peter's Seminary College of Arts;
- (e) Ursuline College;
- (f) Waterloo College.

GRANTS

Grants by
City of
London

7. The City of London may grant annually or from time to time to the Board for the use of the University such a sum or sums as may be agreed upon by the City and the University, and it shall not be necessary to obtain the assent

of the electors qualified to vote on money by-laws for any such grant, provided, however, that any grant in excess of Seventy-five Thousand Dollars (\$75,000) in any one year shall first receive the assent of the said electors.

8. The county council of any of the counties of Essex, Kent, Elgin, Norfolk, Lambton, Middlesex, Oxford, Brant, Huron, Bruce, Grey, Perth, Wellington and Waterloo, or the council of any municipality in such counties other than the City of London, may make grants to the Board for the use of the University, and it shall not be necessary to obtain the assent of the electors qualified to vote on money by-laws for any such grant, provided, however, that any grant in excess of Twenty Thousand Dollars (\$20,000) in any one year shall first receive the assent of the said electors.

Grants by
counties

PROPERTY

9. All property heretofore or hereafter granted, conveyed, devised or bequeathed by any person, firm or corporation in trust for or for the benefit of the University or of any faculty, school or department thereof or otherwise in connection therewith, subject always to the trust affecting the same, shall be vested in the Board.

Property in
trust vested
in Board

10. All real property vested in the Board shall, as far as the application thereto of any statute of limitations is concerned, including any statute limiting or defining the period for the investigation of titles, be deemed to have been and to be real property vested in the Crown for the public uses of the Province of Ontario

Application
of statute of
limitations
to property

11. The real property vested in the Board shall not be liable to be entered upon, used or taken by any corporation except a municipal corporation or by any person possessing the right of taking land compulsorily for any purpose and no power to expropriate real property hereafter conferred shall extend to such real property unless in the Act conferring the power it is made in express terms to apply thereto.

Land vested
in Board not
liable to
expropria-
tion

THE BOARD OF GOVERNORS

12. The Board of Governors of the University is hereby constituted a body corporate by the name and style of "The Board of Governors, The University of Western Ontario".

Board body
corporate

Composition
of Board

13. The Board shall consist of the President and the Vice-President of the University, the Mayor of the City of London, the Warden of the County of Middlesex and the Chancellor, who shall be *ex officio* members, and fourteen members appointed or elected as follows:

- (a) The council of the City of London shall appoint four members, during such time as the City shall make to the Board the annual grant or grants as provided in section 7.
- (b) The Lieutenant-Governor in Council shall appoint four members.
- (c) The Alumni Association of the University may appoint or elect two members, in such manner and on such terms as the Board may determine.
- (d) The members appointed or elected, as the case may be, under clauses *a*, *b* and *c* shall elect four members.

Term of
office

14. Unless his election or appointment shall be otherwise designated, each member shall hold office for four years, shall be eligible for re-appointment or re-election, as the case may be, and shall hold office until such time as his successor is elected or appointed.

Eligibility

15. No person shall be eligible for appointment or election to the Board who is not a British subject and whose customary place of residence is not within the Province of Ontario.

Head of
affiliated
college, etc.,
ineligible

16. Except as otherwise provided in this Act, no principal or head of any of the academic units of the University or of any affiliated college or any member of the teaching or administrative staff of the University or of any affiliated college or any member of the staff, Board or governing body of any other degree-granting institution shall be eligible for appointment or election as a member of the Board.

Membership
vacated

17.—(1) If a member of the Board during his term of office accepts or occupies any of the offices or positions mentioned in section 16 or ceases to have his customary place of residence within Ontario or becomes mentally incapacitated or otherwise incapable of acting as a member, he shall *ipso facto* vacate his office and it shall be the duty of the Board by resolution to declare his membership vacant.

(2) If within any fiscal year of the University a member of the Board not having been granted leave of absence by the Board attends less than 50 per cent of the regular meetings of the Board, the Board may by resolution declare his membership vacant. ^{Absence from meetings}

(3) If within any fiscal year of the University a member of the Board not having been granted leave of absence by the Board attends less than 25 per cent of the meetings of the Board, he shall *ipso facto* vacate his office and it shall be the duty of the Board by resolution to declare his membership vacant. ^{Idem}

(4) A resolution passed under this section entered in the minutes of the Board shall be conclusive evidence of the vacancy declared therein. ^{Proof}

18. Where a vacancy on the Board occurs before the term of office for which a member has been appointed or elected has expired, the vacancy shall be filled in the same manner and by the same authority as the member whose membership is vacant was appointed or elected, as the case may be, and the member so appointed or elected shall hold office for the remainder of the term of office of the member whose membership is vacant. ^{Filling vacancies}

19.—(1) The Board shall elect one of its members to be chairman and one of its members to be vice-chairman, and in the case of the absence or illness of the chairman or of there being a vacancy in the office of chairman, the vice-chairman shall act as and have all the powers of the chairman. ^{Chairman and vice-chairman}

(2) In case of the absence or illness of the chairman and of the vice-chairman, the Board may appoint one of its members to act as chairman *pro tempore* and the member so appointed shall act as and have all the powers of the chairman. ^{Absence}

20. Six members, not including *ex officio* members, shall constitute a quorum of the Board. ^{Quorum}

21. Notwithstanding any vacancy, so long as there are at least ten members, not including *ex officio* members, the Board may exercise all or any of its powers. ^{Ten members may exercise powers}

22. Except in such matters as are assigned by this Act to the Senate, the government, conduct, management and control of the University and of its property, revenues, business and affairs thereof shall be vested in the Board. ^{Management of University by Board}

23. The Board shall have power to make regulations, ^{Regulations}

(a) pertaining to the meetings of the Board and its transactions;

(b)

- (b) providing for the appointment of committees and for the conferring upon any such committees of authority to act for the Board with respect to any matter, but no decision of a committee which includes in its membership persons who are not members of the Board shall be valid or effective until approved and ratified by the Board, unless the Board so provides.

Powers of
Board

24. Without limiting the general powers of the Board, the Board shall have the power to,

- (a) appoint the President and Vice-Chancellor of the University, the Vice-President of the University, the Principal of University College, the deans of all faculties, the heads of all academic units within the University, the Comptroller of the University, the Bursar of the University, the Librarian of the University, the Registrar of the University, the professors and all other members of the teaching staff of the University, and all such officers, clerks and other employees as the Board may think necessary for the purposes of the University, and fix their salaries or remuneration and their tenure of office or employment, which, unless otherwise provided, shall be during the pleasure of the Board and determine their functions, duties, powers and responsibilities;
- (b) provide for the retirement and superannuation of the persons mentioned in clause *a*;
- (c) provide for payments by way of gratuities, retiring allowances, superannuation allowances, pensions, annuities, or life insurance or any combination thereof payable to, in respect of, or for the benefit of the persons mentioned in clause *a* or any class or classes thereof out of a fund or funds comprising contributions made by such persons or any class or classes thereof, or by the Board, or both, or otherwise;
- (d) expend such sums as may be required for the purposes of funds which are established for the payment of gratuities, retirement allowances, pensions, life insurance or health insurance for the benefit of the persons mentioned in clause *a*;
- (e) appoint by resolution a member or members of the Board or any other person or persons to execute on behalf of the Board either documents and other

instruments

instruments in writing generally or specific documents and other instruments in writing and to affix the corporate seal of the Board thereto;

- (f) establish such faculties, schools, departments, chairs and courses of instruction in any subject except theology in the University or elsewhere as the Board may determine, but the curricula of all courses of instruction shall be the responsibility of the Senate;
- (g) enter into agreements for the founding, establishment or maintenance of chairs, scholarships, fellowships, prizes, bursaries and other awards;
- (h) provide for the affiliation with the University of any college in Ontario established for teaching divinity, arts, science, law, medicine, music, engineering, agriculture, or any other useful branch of learning, on such terms as the Board may determine, and enter into any agreement which may be deemed necessary to effectuate such affiliation, provided, however, that such college shall be one offering courses leading year for year to a degree, and in order to preserve the undenominational nature of the University no more than two colleges of the same denominational control shall be affiliated with the University at the same time, and no college affiliated with the University shall be affiliated with or have affiliated with it any other college, school or institute of higher learning without specific permission in writing by the Board;
- (i) provide for the dissolution of any such affiliation or of any existing affiliations or for the modification or alteration of the terms thereof;
- (j) provide for the management, government and control of the residences and dining halls operated and maintained by the University;
- (k) fix the fees to be paid for instruction in all faculties, schools, departments and courses now in existence or hereafter established and under the control of the University, for all ancillary activities and the fees for examinations, degrees, diplomas and certificates;
- (l) provide such means for health service and health examination, instruction and training in physical education for the students of the University as the Board may see fit;

(m)

- (m) sell any of the real property vested in the Board, or lease the same for any period of years with such right of renewal and under and subject to such rents, covenants, agreements and conditions as the Board may see fit;
- (n) dedicate real property vested in the Board for public highways or other public purposes, on such terms and conditions as the Board may see fit;
- (o) expend such sums as the Board may deem necessary for the support and maintenance of the University and for the betterment of existing buildings and the erection of such new buildings as the Board may deem necessary for the use or purposes of the University and for the furnishing and equipment of such existing and newly erected buildings;
- (p) expend such sums as the Board may deem necessary for the purchase, erection, equipment, furnishing and maintenance of residences and dining halls for the use of the students of the University, whether such students are undergraduates or graduates;
- (q) subject to the limitations imposed by any trust, invest all such money as shall come to the University in such manner as the Board may see fit;
- (r) purchase, assume and hold by gift or devise real property for the purpose of the University without licence in mortmain;
- (s) purchase and acquire all such property as the Board may deem necessary for the purposes of the University, and such power shall include that of purchasing the interest of a lessee in any real property vested in the Board which is under lease;
- (t) without the consent of the owner or of any person interested therein, enter upon, take, use, and expropriate all such real property as the Board may deem necessary for the purposes of the University, making due compensation for any such real property to the owners and occupiers thereof, and all persons having any interest therein, and the provisions of *The Municipal Act* as to taking land compulsorily and making compensation therefor and as to the manner of determining and paying the compensation shall *mutatis mutandis* apply to the Board and to the exercise by it of the powers conferred by this clause, and where any act is by any of such provisions

required to be done by the clerk of a municipality or at the office of such clerk the like act shall be done by or at the office of the comptroller, or by or at the office of such officer of the University exercising the office of a comptroller, as the case may be;

- (u) acquire, hold, maintain and keep in proper order and condition such real property as the Board may deem necessary for the use of the students of the University for athletic purposes and erect and maintain such buildings and structures thereon as it may deem necessary;
- (v) borrow from time to time from any bank or elsewhere on such terms as may be agreed on such sums of money as may be required for the purposes of the University;
- (w) purchase or otherwise acquire any invention or any interest therein, or any rights in respect thereof, or any secret or other information as to any invention and apply for, purchase or otherwise acquire any patents, interests in patents, licences and the like conferring any exclusive or non-exclusive or limited right to make or use or sell any invention or inventions and use, exercise and develop, dispose of, assign or grant licences in respect of or otherwise turn to account property rights or information so acquired and generally to possess, exercise and enjoy all the rights, powers and privileges which the owner of any invention or any rights in respect thereof, or the owner of a patent or invention or any rights thereunder may possess, exercise and enjoy;
- (x) apply for, purchase or otherwise acquire any trademarks or trade names or any similar right or any interest therein and use, dispose of, assign or otherwise turn to account the trademarks, trade names and interest so acquired and generally possess, exercise and enjoy all the rights, powers and privileges which the owner of a trademark or trade name or the like may possess, exercise and enjoy;
- (y) apply for, purchase or otherwise acquire any copyright or similar right or any interest therein, or right thereunder, and use, exercise, develop, dispose of, assign or grant licences in respect of, or otherwise turn to account any copyright or similar right or any interest or right so acquired and generally possess, exercise and enjoy all the rights, powers and privileges which the owner of a copyright or

similar

similar right, or any interest therein or right thereunder, may possess, exercise and enjoy.

Alterations
to consti-
tution

25. The Board may modify, alter and change the constitution of any body or committee constituted or continued by this Act except the Senate, and may create such new bodies or committees as may be deemed necessary for the purpose of carrying out the objects and provisions of this Act and may confer upon the bodies or committees constituted or continued by this Act, or any of them, and on any new body or committee hereafter constituted such powers as the Board may see fit, but nothing herein shall authorize any abridgement or change in the powers conferred on the Senate by this Act.

Authentica-
tion of
by-laws,
etc.

26. Except as otherwise provided in this Act, the action of the Board in any matter with which it may deal shall be by resolution or by by-law as the Board may determine, but it shall not be essential to the validity of any such resolution or by-law that it be under the corporate seal of the Board if it is authenticated in the manner prescribed by the Board.

Audit of
accounts

27.—(1) The accounts of the Board shall be audited at least once a year by an auditor or auditors appointed by the Board.

Annual
report

(2) The Board shall make an annual financial report to the Lieutenant-Governor in Council in such form as the Lieutenant-Governor in Council may require.

Actions
against
Board

28. Without the written consent of the Attorney-General, no action shall be brought against the Board or against any member of it on account of anything done or omitted by him in the execution of his office.

Question as
to powers
and duties
settled by
Board

29. If any question arises as to the powers or duties of the President and Vice-Chancellor, Vice-President, Comptroller, Registrar, Librarian, Principal of University College or of any other dean or head of any academic unit, or of any officer or employee of the University, it shall be settled and determined by the Board, whose decision shall be final.

Residual
powers of
Board

30. All the powers over, in respect of, or in relation to the University, its properties, employees, personnel and students which are not by the terms of this Act directed to be exercised by any other person or body of persons are hereby subject to the provisions of this Act vested in the Board.

SENATE

31.—(1) There shall be a Senate of the University ^{com-}^{Senate, how}_{posed as follows:} ^{composed}

(a) The following shall be *ex-officio* members:

- (i) the Chancellor,
- (ii) the Vice-Chancellor,
- (iii) the Vice-President of the University,
- (iv) the Principal of University College,
- (v) the Principal or other head of each affiliated college,
- (vi) the dean of each faculty or school of the University,
- (vii) the Librarian,
- (viii) the President of the General Alumni Association, provided that his ordinary place of residence is within the County of Middlesex, and if not, then a member of the General Alumni Association whose ordinary place of residence is within the County of Middlesex appointed in writing by such President,
- (ix) the Chairman of the Board,
- (x) the Registrar, who shall be secretary of the Senate,
- (xi) the Director of the Summer School and Extension Department,
- (xii) the Director of the French Summer School.

(b) The faculties and schools of the University shall have the following representation and the representatives shall be appointed by their respective faculty councils, unless otherwise provided by the Senate, but one member shall be the principal, dean or other head of such faculty or school:

- (i) the Faculty of University College—four members,

(ii)

- (ii) the Faculty of Medicine—three members,
 - (iii) the Faculty of Graduate Studies—two members,
 - (iv) the School of Nursing—two members,
 - (v) the School of Business Administration—two members,
 - (vi) any other faculty or school which may hereafter be established within the University and which offers courses leading to a degree—a minimum of two members but not exceeding three members, as determined by the Senate.
- (c) The affiliated colleges shall have the following representation and the representatives shall be appointed by their respective governing bodies but one member shall be the principal or other head of the affiliated college:
- (i) Alma College—one member,
 - (ii) Huron College—two members,
 - (iii) Music Teachers' College—one member,
 - (iv) St. Peter's Seminary College of Arts—two members,
 - (v) Ursuline College—two members,
 - (vi) Waterloo College—two members,
 - (vii) any other college or school which may hereafter become affiliated—one member, provided, however, that if such affiliated college or school prescribes and administers courses approved by the Senate leading to the Bachelor of Arts degree, then such college or school may be represented by a maximum of two members as determined by the Senate.
- (d) The Board shall be represented by the Chairman of the Board as an *ex officio* member and one further member appointed by the Board.
- (e) The City of London may be represented by six members of whom three shall be appointed by the council of the city, two shall be appointed by the

Board of Education of the City, and one shall be appointed by the Separate School Board of the City.

- (f) One member may be appointed by the council of each of the counties named in section 8, and by the council of each city in such counties, other than the council of the City of London.
- (g) The principals of the continuation schools, high schools, collegiate institutes and vocational high schools or institutes in the counties named in section 8 may elect four members from their own number.
- (h) Each of the following groups of graduates may appoint or elect, in such manner and on such terms as the Senate shall determine, the following members:
 - (i) the General Alumni Association of the University may appoint or elect ten members (not including the President of the General Alumni Association) in such manner and on such terms as the Senate may determine,
 - (ii) the graduates in Arts and Science who at the time of graduation were enrolled in Huron College, Music Teachers' College, St. Peter's Seminary College of Arts, Ursuline College, Waterloo College or any other college which may hereafter be affiliated and approved by the Senate to conduct courses leading to a degree in Arts and Science may elect one member each from the graduates of each of such affiliated colleges.

(2) The Vice-Chancellor of the University shall be chairman of the Senate and the Vice-President of the University shall be vice-chairman of the Senate.

32. The members of the Senate shall hold office for a term of three years and shall be eligible for re-appointment or re-election as the case may be.

33. Members of the teaching or administrative staff of the University shall not be eligible for election by any of the graduate bodies.

34. Members of the teaching or administrative staff of an affiliated college shall not be eligible for election by any of the graduate bodies.

Eligibility
of member of
governing
body of
another
university

35. No person shall be eligible for election or appointment as a member of the Senate who is a member of a governing body or senate or faculty of any other degree-granting university, college or other institution of higher learning.

Vacancies
in Senate

36. If an elected or appointed member of the Senate resigns, becomes mentally incapacitated or otherwise incapable of acting or becomes a member of the teaching or administrative staff of any of the bodies mentioned in section 31, not being the body which he has been appointed to represent, or accepts membership in any of the bodies mentioned in section 31, not being the body which he has been appointed to represent, he shall *ipso facto* vacate his office, and a declaration of the existence of any vacancy entered on the minutes of the Senate shall be conclusive evidence thereof.

Filling
vacancies

37. Where a vacancy on the Senate occurs before the term of office for which a member has been appointed or elected has expired, the vacancy shall be filled in the same manner and by the same authority as the member whose membership is vacant was appointed or elected, as the case may be, and the member so appointed or elected shall hold office for the remainder of the term of office of the member whose membership is vacant.

Disputes as
to election

38. The Senate shall have the sole right to determine any question concerning the election of any elected member of the Senate or the right of any person to be or sit or act as a member of the Senate, and the decision of the Senate in any such matter shall be final.

Powers and
duties of
Senate

39.—(1) The Senate,

- (a) shall be responsible for the educational policy of the University;
- (b) may make recommendations to the Board relative to the creation of faculties, schools, departments or chairs within the University;
- (c) may recommend to the Board the establishment of courses of instruction, including extension courses, in the University and elsewhere;
- (d) may confer degrees, diplomas and certificates in any subject taught in the University or in theology as taught in any of the affiliated colleges;
- (e) may confer honorary degrees in any department of learning;

- (f) may create faculty councils or committees and committees generally to exercise any of its powers;
- (g) may enact statutes regulating the matters in this section referred to.

(2) The Senate shall confer honorary degrees in divinity ^{Honorary divinity degrees} without fees upon the recommendation of any theological college affiliated with the University.

40. In addition to such others as are expressly mentioned ^{Additional powers and duties of Senate} in this Act, the powers and duties of the Senate shall be to,

- (a) provide for the regulation and conduct of its proceedings including the determination of a quorum necessary for the transaction of business;
- (b) provide for the convening and conduct of such Convocations as may be requisite for the purposes set out in section 39;
- (c) recommend to the Board,
 - (i) the affiliation of any college established in Ontario for teaching divinity, arts, science, law, medicine, music, engineering, agriculture or any other useful branch of learning; provided, however, that in order to preserve the undenominational nature of the University no more than two colleges of the same denominational control shall be affiliated with the University at the same time, and no college affiliated with the University shall be affiliated with or have affiliated with it any other college, school or institute of higher learning without specific permission in writing by the Board; and further provided that no college shall be affiliated which is not offering courses leading year for year to a degree, and
 - (ii) the dissolution or suspension of any such affiliation, or the modification or alteration of the terms thereof;
- (d) consider and determine on the recommendations of the respective faculty and school councils the courses of study in all faculties and schools;
- (e) consider and determine on the recommendations of the respective faculty and school councils the conduct and results of the examinations in all faculties and schools;

(f)

- (f) hear and determine appeals from the decisions of the faculty and school councils on applications and examinations by students;
- (g) provide for the representation on the Senate of any faculty or school hereafter established in the University and of the graduates in such faculty or school, if in the opinion of the Senate provision should be made for separate representation of such graduates;
- (h) provide, if deemed necessary by the Senate, for an executive committee which shall act in the name and on behalf of the Senate between regular meetings of the Senate, whose constitution and powers shall be as the Senate may from time to time determine.

CHANCELLOR

Chancellor,
election of

41.—(1) There shall be a Chancellor of the University who shall be elected by an electoral board consisting of,

- (a) all members, except *ex officio* members, of the Board; and
- (b) representatives of the Senate equal in number to the members of the Board entitled to be members of the electoral board, such representatives to include as *ex officio* members the Vice-Chancellor, Vice-President and Registrar and the remainder to be chosen by the Senate from among its members in such manner as it may determine,

and eight members of the electoral board including the Vice-Chancellor, Vice-President and Registrar shall constitute a quorum.

Who eligible

(2) No person shall occupy the office of Chancellor unless he is a British subject and his customary place of residence is within the Province of Ontario.

Who
ineligible

(3) No person shall occupy the office of Chancellor who is a member of the teaching staff or of the administrative staff, or who is an employee of the University, or of any affiliated college, or who is a member of the Board of the University or of the governing body of any affiliated college.

Term of
office

42.—(1) The term of office of the Chancellor shall be for six years commencing with the 1st day of July of the year in which the appointment is made, and no Chancellor shall be eligible for re-election.

(2) If a vacancy in the office of Chancellor occurs from any cause, the vacancy shall be filled by the appointment of a successor in the manner set out in section 41, and the successor shall hold office for six years terminating on the 30th day of June in the sixth year after his appointment, and no such successor shall be eligible for re-election.

(3) If the Chancellor ceases to be eligible for such office or becomes mentally incapacitated or otherwise incapable of acting, he shall *ipso facto* vacate his office and a declaration of the existence of such vacancy by the Senate and the Board entered in the minutes of the Board and of the Senate shall be conclusive evidence thereof.

43. The Chancellor shall preside at all Convocations and by virtue of the authority vested in him by the Senate shall admit to degrees, diplomas and certificates such candidates, including the recipients of honorary degrees, as may be requested by the Senate.

VICE-CHANCELLOR

44.—(1) There shall be a Vice-Chancellor of the University who shall be the President of the University.

(2) In the absence of the Chancellor or there being a vacancy in the office, the Vice-Chancellor or a member of the Faculty of the University appointed by him shall act as Chancellor at Convocation.

(3) In the absence of both Chancellor and Vice-Chancellor, or if both offices are vacant, the Chancellor's duties shall be performed by a member of the Faculty of the University appointed by the Senate for the purpose.

OFFICIAL VISITOR

45. His Honour the Lieutenant-Governor of the Province of Ontario shall be the Official Visitor of the University.

GENERAL

46. Sections 1 and 3 of *An Act to incorporate The Western University of London, Ontario*, being chapter 70 of the Statutes of Ontario, 1878, sections 1, 2, 3, 4, 5 and 6 of *An Act respecting the Western University and College*, being chapter 140 of the Statutes of Ontario, 1906, and *The University of Western Ontario Act, 1923* are repealed.

47. This Act comes into force on the day it receives Royal Assent.

48. This Act may be cited as *The University of Western Ontario Act, 1955*.

CHAPTER 119

An Act respecting the City of Windsor

Assented to March 31st, 1955
Session Prorogued March 31st, 1955

WHEREAS The Corporation of the City of Windsor Preamble
 by its petition has prayed for special legislation in
 respect of the several matters hereinafter set forth; and whereas
 it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario,
 enacts as follows:

1. Section 10 of *The City of Windsor Act, 1946*, as re-enacted 1946,
c. 145, s. 10
 by section 1 of *The City of Windsor Act, 1950*, is repealed (1950,
c. 117, s. 1),
 and the following substituted therefor: re-enacted

10.—(1) In this section,

Interpre-
tation

(a) “governor” means a member of the Board of
 Governors of The Metropolitan General Hos-
 pital;

(b) “Hospital” means The Metropolitan General
 Hospital in the City of Windsor.

(2) The management, control and maintenance of the
 Hospital and the custody of all real and personal Manage-
ment, etc.,
of Hospital
 property belonging to or used in connection therewith
 shall be vested in a board of not less than nine and
 not more than eleven governors.

(3) The Board of Governors shall be composed of, Constitution
of Board
of Governors

(a) five governors to be appointed by the Council
 of whom,

(i) two shall be members of the Council,
 other than the Mayor,

(ii) three shall be resident ratepayers of the
 City, other than members of the Council;

(b)

Rev. Stat.,
c. 307

(b) one governor who shall be the member of the medical staff prescribed by the regulations under *The Public Hospitals Act*;

(c) one governor to be appointed by the Metropolitan General Hospital Aid Society; and

(d) two additional governors to be appointed by the governors appointed under clauses *a* to *c*.

Term of
office

(4) Subject to subsection 5, governors appointed under clauses *a*, *c* and *d* of subsection 3 shall hold office for a term of three years.

Idem

(5) All governors shall remain in office until their successors are appointed or elected, but no governor shall hold office for longer than six consecutive years; any governor in office for six consecutive years shall be eligible for re-appointment or re-election after the lapse of one year.

Termination

(6) Notwithstanding any other provision of this section, a governor appointed,

(a) by the Council under subclause *i* of clause *a* of subsection 3 shall cease to hold office when he ceases to be a member of the Council;

(b) by the governors under clause *d* of subsection 3 shall cease to hold office when a Benefactors' and Subscribers' Association has been established and has elected members.

Time for
appoint-
ments

(7) All appointments to the Board of Governors shall be made in the month of January.

Absence
from
meetings

(8) Any member of the Board of Governors who is absent from four consecutive regular meetings of the Board, shall cease to be a member thereof, unless he has obtained leave of absence from the Board.

Vacancies

(9) Whenever, from any cause, the office of a governor becomes vacant, a successor shall be appointed or elected, as the case may be, without unnecessary delay, and the person so appointed or elected shall hold office for the remainder of the term of the governor who vacated his office.

Quorum

(10) Five members shall constitute a quorum of the Board of Governors.

(11)

- (11) The Board of Governors may by by-law from time ^{Elected} to time provide for the election of not less than two ^{governors} and not more than four additional persons as members of the Board by benefactors of and subscribers to the funds of the Hospital, and the Board may prescribe the qualifications of such benefactors and subscribers, and the time, place and procedure of their meetings to be held for the purpose of such election.

2. Subsection 3 of section 12 of *The City of Windsor Act*, ^{1946,} 1946 is repealed and the following substituted therefor: ^{c. 145, s. 12,} ^{subs. 3,} ^{re-enacted}

- (3) The Board of Governors may borrow from time to ^{Borrowing} time, subject to the approval of the Council, such ^{powers, and} sums as may be required for the current operating ^{temporary} purposes of the Hospital; provided that the amount of such borrowings shall not exceed \$200,000 at any one time, and the Council shall be empowered to make temporary advances to the Board from time to time for such purposes.

3.—(1) Subsection 1 of section 5 of *The City of Windsor Act*, ^{1953,} 1953 is amended by striking out the symbol and figures ^{c. 135, s. 5,} "\$25,000" in the third line and inserting in lieu thereof the ^{subs. 1,} symbol and figures "\$100,000", so that the subsection shall read as follows:

- (1) The council of The Corporation of the City of ^{Power to} Windsor may appropriate and expend a sum not ^{expend} exceeding \$100,000 out of the current revenues of the ^{\$100,000} City in celebration of the centenary of the incorpora- ^{for cen-} tion of the City of Windsor and may, by resolution, ^{tenary} provide that the control and expenditure of the said ^{celebration} sum, or any part thereof, shall be entrusted to and vested in the Windsor Centennial Festival Incorporated (hereinafter called the corporation), a corporation without share capital incorporated under *The Companies Act* for the purpose of carrying out ^{Rev. Stat.,} the centenary celebration, with power to the cor- ^{c. 59} poration to enter into contracts for the granting of concessions and for other matters with respect to the expenditure of such sum as may be entrusted by the council to the corporation.

(2) Subsection 3 of the said section 5 is amended by striking ^{1953,} out the symbol and figures "\$25,000" in the second line and ^{c. 135, s. 5,} inserting in lieu thereof the symbol and figures "\$100,000", ^{subs. 3,} so that the subsection shall read as follows: ^{amended}

Reserve of
\$25,000

- (3) Notwithstanding the provisions of subsection 1, if the corporation expends more than \$100,000, the council may pay additional sums, not exceeding \$25,000, out of current revenues, which amount shall be held by the council in reserve for such eventuality.

Heating
by-law
confirmed

4. By-law No. 1152 passed by The Corporation of the City of Windsor on the 16th day of March, 1954, set forth as the Schedule hereto, is hereby ratified and confirmed and declared to be legal, valid and binding within the City of Windsor.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The City of Windsor Act, 1955*.

SCHEDULE

By-Law No. 1152

A By-law to require adequate and suitable heat for rented dwelling accommodation.

Passed the 16th day of March, 1954

WHEREAS it is deemed expedient to adopt regulations to ensure the provision and maintenance of adequate and suitable heat for rented dwelling accommodation during the periods of the year hereinafter specified;

THEREFORE the Municipal Council of The Corporation of the City of Windsor enacts as follows:

1. Every building or part of a building which is rented or leased as dwelling or living accommodation and which, as between the tenant or lessee and the landlord, is normally heated by or at the expense of the landlord shall, between the 15th day of October in each year and the 15th day of May of the following year, be provided with adequate and suitable heat by or at the expense of the landlord; and for the purpose of this by-law "adequate and suitable heat" means that the minimum temperature of the air in the accommodation which is available to the tenant or lessee is 70° Fahrenheit.

2. The Medical Officer of Health or any person acting under his instructions, upon the written request of any tenant or lessee, shall enter, inspect and examine at any time the premises in which the dwelling or living accommodation of such tenant or lessee is located, for the purpose of determining whether adequate and suitable heat is being provided for such dwelling or living accommodation; and any person in charge of such premises for the time being, shall render such aid to the Medical Officer of Health or person acting under his instructions, as may be necessary to make such inspection or examination.

3. No person shall obstruct, hinder, delay or prevent the Medical Officer of Health or any person acting under his instructions in the exercise of any power conferred or the performance of any duty imposed by this by-law.

4. Any person convicted of a breach of any of the provisions of this by-law shall forfeit and pay at the discretion of the convicting magistrate a penalty not exceeding (exclusive of costs) the sum of Two Hundred Dollars (\$200.00) for each offence.

5. Any penalty imposed by or under the authority of this by-law shall be recoverable under *The Summary Convictions Act*.

6. This by-law shall come into force and take effect on the first day of October, 1955.

A. J. REAUME,
Mayor.

(Seal)

C. V. WATERS,
Clerk.

First Reading—March 16, 1954
Second Reading—March 16, 1954
Third Reading—March 16, 1954

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Fifth Session, Twenty-Fourth Legislature

4 Elizabeth II, 1955

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